

INSIDE INFORMATION

Kentucky Law Enforcement News

1960

Ky Peace Officers Standards
and Training



1966

First Basic Training Class



1972

KLEPPF Established



DOCJT Facilities Completed



1983

Ky Police Corps Program

1993

POPS Initiated
DOCJT Facilities Expansion Approved



2001

Basic Training Class 300 Graduates

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INSIDE INFORMATION

Kentucky Law Enforcement News
Premiere Edition

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Number 1

Paul E. Patton
Governor

Robert F. Stephens
Justice Cabinet Secretary

John W. Bizzack
Commissioner

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The Kentucky Law Enforcement News (KLEN-News) staff is *in need of dynamic, law enforcement related photos* for possible publication in the magazine. We are interested in photos that are representative of all aspects of the law enforcement profession.

We are able to use black-and-white glossy, color prints or digital images. If we choose to use a particular photo in our magazine, appropriate credit will be given to the photographer. Because we cannot accept responsibility for lost or damaged prints, we ask that you send duplicate, not original prints.

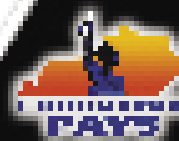
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It's Always a Matter of Leadership

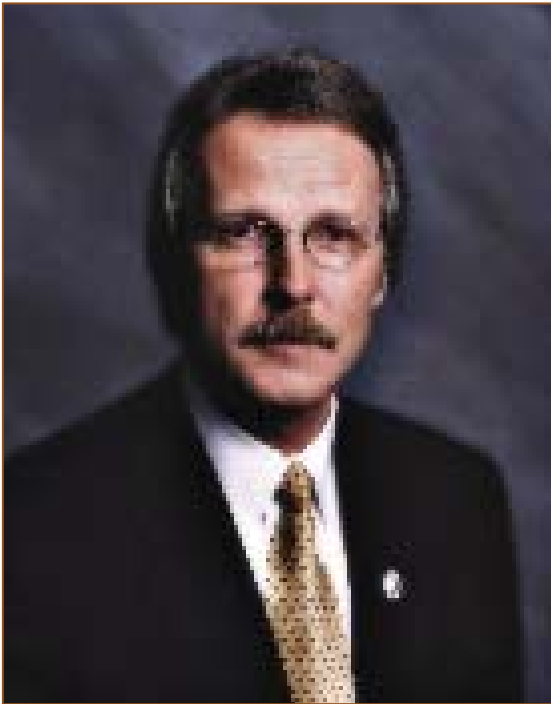
*John Bizzack, Commissioner
Department of Criminal Justice Training*

All businesses and organizations, from the smallest to the largest, need a leader. All corporations have their committees, echelons of command, and maybe even sub-divisions; however, it is imperative that the overall company and each of the divisions within have strong and able leadership.

Learning about leadership is as important as leadership itself. That's the message leaders at the top must promote to all the other executives in their organization.

We talk about law enforcement leadership quite a bit here at the Department of Criminal Justice Training and discuss it often with others who are involved in the business of leading law enforcement organizations. Contrary to popular belief, morale, a key in all issues of leadership, is not raised in an organization; it filters down from the top. The attitudes of the people working in any organization will always reflect the attitude of the leader.

We are not dealing with some unknown and unexplainable force that creates energy in others. The actions of a leader will either start employees' engines, or turn them off. There are certain enhancers that always surface when leaders are asked to describe the behaviors that most influence productivity in their organizations. The importance of these enhancers and contaminants are obvious once they are listed, examined, and given serious thought. However, often the difficult part is getting people in positions of leadership to be consistent in their application.



Commissioner John Bizzack

The diagram below was presented and discussed at a recent forum on leadership. These particular behaviors come up in every conversation I have with chiefs, sheriffs and other law enforcement heads across the state when the topic turns to management. Several chiefs and sheriffs suggested that we address the issue of leadership in this edition of the Kentucky Law Enforcement News. Listing and reading them is the easy part. Putting them into consistent practice at all levels of an organization is the challenge.

CONTAMINANTS

ENHANCERS

<i>Morale-Stifling Behavior by a Person in a Position of Leadership</i>	<i>Morale-Enhancing Behavior by a Person in a Position of Leadership</i>
Abuse results in Insensitivity	Courtesy results in Freedom
Control results in Apathy	Inclusion results in Trust
Humiliation results in Pessimism	Consideration results in Generosity
Indecisiveness results in Discouragement	Decisiveness results in Confidence
Unfairness results in Distrust	Fairness results in Reliance

We've all known persons in positions of leadership who, for one reason or another, may have been better suited never being in the position in the first place. However, the real dishonor to leadership is when people do not put into practice all they can to develop themselves as an effective leader for their organization, regardless of their level in the hierarchy.

In my many conversations with law enforcement leaders over the years, there seems to be a general agreement about certain ideals regarding leadership. We all know leaders are everywhere. It's the conscientious mother who wants her children to grow up knowing rules for success and happiness. The father who shows by example that any job worth doing is worth doing well. It's the student who studies to learn, not just to get the grade and has a mind of his own while setting the pace for other students. It's the farmer whose farm sets the standard in his area. It's the businessperson whose small business continues to grow and prosper with passing years. It's the employee who has the good sense to realize that one gets most out of any job by giving loyalty and dedication. A leader is any person who realizes the importance of becoming a bigger and better person with the passing of time.

Success in law enforcement, business and society in general does not come naturally. It requires the conscious utilization of ourselves in the service to others. We become whatever we seriously make up our minds to become, because whatever we decide to do is naturally linked to our innate potential. A person with little or no aptitude for science will never decide to become a scientist. A naturally shy and retiring person will never make it in sales.

Learning about leadership is as important as leadership itself. That's the message leaders at the top must promote to all the other executives in their organization.

We hope this edition of the Kentucky Law Enforcement News Magazine is received with the same enthusiasm as the first. Many of your ideas, suggestions and feedback have been incorporated in this edition. We hope to provide the Kentucky law enforcement community with a central publication that reports local, state, and national law enforcement news and technology information affecting criminal justice professionals throughout the Commonwealth.

This edition features interviews with Ashland Chief Tom Kelley, Chief Allen Love of Versailles, and Elizabethtown's Chief Ruben Gardner. Also featured is Greg Van Tatenhove, the newly appointed U.S. Attorney for the Eastern District. You will also find technology updates, along with information about the important work of the Kentucky Law Enforcement Memorial Foundation, KLEC, and the new law enforcement training complex. Results of the training needs assessment are included in this issue along with reports on our recent Police Corps and Executive Development graduations.

The Legislative section of the magazine features more legislative updates as well as a Commentary from Senator David Williams, President of the Senate and Speaker of the House Jody Richards.

On page 6 the results of the 2nd Annual DOCJT Employee Survey are published along with an announcement of the upcoming Client Survey, the first of its kind in Kentucky, and possibly the nation. Your help is needed on the Client Survey and you will be notified of more information about the survey and its expected impact on the future of law enforcement training in Kentucky.

*Shannon Sanders,
Administrative Specialist III
Commissioner's Office*

The DOCJT has recently completed its second annual Employee Survey. Dr. Robert Cobb, Director of Institutional Research at Western Kentucky University, and coordinator of the first employee survey, was contracted for the second time to develop and analyze the results to assure an impartial and unbiased outcome.

Dr. Cobb developed a survey method to measure employee attitude on a broad spectrum of topics, including: employee work space, salaries, confidence levels in supervisors and leadership, hiring procedures, basic recruit discipline policy, recognition and rewards, equality in the workplace, advancement opportunities, promotions, and job security.

The purpose of the survey is to provide DOCJT leadership with a tool with which to gauge the effectiveness of DOCJT management, policies, procedures, and direction. The result of this year's survey shows an impressive consensus and once again confirms the management of the DOCJT and its work force as top-notch.

Surveys of this nature are used in many private businesses, and according to Dr. Cobb, it is rare to see a government organization using this specific type of method to ask employees what they think of their work place.

"This method of determining satisfaction levels really holds management practices up to the light," Cobb said. He went on to say, "The message sent to all employees is that leadership and management is concerned not only about productivity and mission, but what employees think and how they are affected by certain policies and programs throughout the organization." Dr. Cobb is reluctant to make specific comparisons between a state agency's results and those from surveys in private companies, but he says the high approval rating for the DOCJT is rare among businesses of its size.

Part of the follow-up of this study is to report data back to the employees to assure them their responses have been reviewed in detail, and followed up on even if the responses are not all positive. DOCJT supervisors and directors will meet with their personnel after receiving Dr. Cobb's report to review the survey and seek ways to improve the management and direction of not only their respective offices, but of the entire Department.

"These surveys help us determine if word is getting out concerning our direction, policies, day-to-day activities and important programs and changes that take place here at the department," DOCJT Commissioner Bizzack said. "Furthermore," he added, "there should be absolutely no reason a supervisor, manager or person in a position of leadership should not ask for and receive feedback from the most important people: those who are expected to carry out the work of the DOCJT and its policies. We are very proud of the track record and reputation of the DOCJT in the Kentucky law enforcement community. Those accomplishments would not have been possible without the input and dedication from all those who are a part of this organization. They deserve a voice in many of the initiatives we are asked or required to undertake and part of our responsibility is to make it possible for each of them to voice not only their concerns, but pride in the DOCJT. We are where we are because we've made it a practice to try and involve employees in the direction and the evolution of this Department."

2nd Annual DOCJT Employee Survey

The results of involving employees in the evolution of the DOCJT are reflected throughout the survey results. Some of the highlights from the 2001 survey are:

State Government

More than 98 percent agree Governor Patton's Office, Justice Secretary Stephens and the Kentucky General Assembly support the DOCJT and its mission.

Law Enforcement

At least 96 percent agree the DOCJT has established itself as a leader in the law enforcement community and enjoys sound credibility with law enforcement associations in the state.

Job Satisfaction

At least 96 percent agree DOCJT employees have good job security, are cooperative and helpful, receive training and educational opportunities, and have confidence in the leadership and management of the department.

Work Environment

Over 94 percent find their work interesting and challenging and their job performance is evaluated fairly. Over 94 percent report having confidence in their supervisor.

Factors

Several factors seem to be the most influential on employee satisfaction

- The degree to which employees perceive how management plans for the future needs of their offices.
- The extent to which employees see supervisors valuing work
- The extent to which employees have resources to do their work
- How well promotion requirements are understood
- The degree to which employees understand how pay issues are settled and handled

Overall, the DOCJT satisfaction ratings indicate that employees are satisfied with their job situation. Department-wide ratings coupled with key indicators suggest that current management processes are having a positive impact on employees. Division level management received consistently strong ratings in seeking employee opinions, recognizing employees, and providing honest feedback to employees. Senior leadership also received strong ratings; they will, however, continue to seek ways to improve employee communications. Open-ended comments and survey responses suggest employees view the DOCJT with a degree of pride.

Although overall consensus was very positive, the survey did reveal some areas that need attention. Areas regarding pay levels, current workspace and staffing issues will be addressed and examined in the coming weeks and months.

A copy of the 2001 DOCJT Employee Survey is available for public viewing. Contact Shannon Sanders at (859) 622-2967 for more information.

2001 Comprehensive Survey of DOCJT Completes **LEN** Agencies

*Allison Harrison,
Administrative Specialist III, Staff Services & Planning Office*

In the summer of 1998, the Department of Criminal Justice Training released the results of an extensive questionnaire designed to collect information from law enforcement agencies across Kentucky. The previous survey established a broad base of data reflecting administrative procedures and operational practices of all law enforcement agencies in the Commonwealth. The purpose of the 2001 Comprehensive Survey is to provide leaders at the state and local level with the most current information on the customs of law enforcement agencies. This new information should also be compared to the previous data and help to identify changes and trends in various law enforcement topics. Not only will officials at the state level find the information contained herein useful, but local law enforcement leaders will benefit from the product as well.

The following information attempts to provide an executive summary of the data contained in the report.

In 1998, the average number of sworn officers for a police department in Kentucky was 26. The 2001 data shows an increase of approximately 20%, with the average number of sworn officers in a police department being 31. The average number of sworn officers for sheriffs' departments increased 50% from 10 officers in 1998, to 15 officers in 2001. According to this study, 59% of responding agencies have ten or fewer sworn personnel.

In 2001, just over 10.5% of all sworn officers have at least a bachelor's degree as their highest education level. However, almost 43% of Kentucky's sworn officers report having at least some college experience.

The average salary for an entry-level peace officer in 1998 was approximately \$18,000. Sheriff's departments realized a 9% increase in entry-level salaries from 1998-2001, with their current average entry-level salary being \$19,636. Police departments' average entry-level salary increased approximately 10.5% with their pay being \$19,891 annually. (It should be noted that the cost-of-living increase from 1998-2001 is approximately 9.2%. In other words, \$18,000 in 1998 is equal to approximately \$19,546 in 2001.)

Of the ten highest paying departments in 2001, eight are located in northern Kentucky. The average entry-level salary of these departments is \$30,479. Of the ten lowest paying departments in 2001, eight are from the eastern part of the state, with an entry-level salary average of \$11,228.

When asked about their retirement benefits, respondents to the 1998 survey reported that 84% provided some sort of retirement benefits to their sworn officers, with approximately 45% of the departments offering hazardous duty retirement. The 2001 respondents stated that 91% of them provide some type of retirement system to their sworn officers, and 52% provide hazardous duty retirement.

When asked to document technology use, 90% of the responding departments conveyed having at least one computer. Internet capabilities have more than doubled since the 1998 survey. In 1998, 35% of departments reported having internet and e-mail capabilities at work, while 85% of departments report having the capability in 2001. The number of department web pages has also more than doubled. In 1998, seventeen percent of the departments had their own web page established, while in 2001, 42% of the responding departments have an established home page.

To view a complete copy of the Comprehensive Survey, go to <http://docjt.jus.state.ky.us>. For specialized reports, or for more information, please contact the Staff Services and Planning Office at staffservices@docjt.jus.state.ky.us or call (859) 622-2305.

*John Bizzack, Commissioner,
Department of Criminal Justice Training*

In early 2002, DOCJT will be coordinating the first statewide Client Survey of law enforcement officials, police chiefs, sheriffs, department heads, and other criminal justice officials.

The purpose of this survey is:

- to gather data to determine if DOCJT is meeting the training needs and providing necessary services to the Kentucky law enforcement community, and
- to gauge the current effectiveness of programs, and identify future priorities.

Dr. Robert Cobb, Director of Institutional Research at Western Kentucky University will be creating the questionnaire instrument and will analyze and report the information which will be sent directly to him from those who participate in the survey research.

Dr. Cobb will develop the survey over the next couple of months and plans to distribute the survey sometime in January or February 2002.

To Survey
Clients

Discipline & Ethics

Ingredients For Policing With Honor

Jerry Belcher

Planning and Research Advisor, Staff Services & Planning

The officer approached the vehicle he had just stopped for speeding. As he took his position behind the door, the driver handed his operator's license out the window. The officer examined the license, which was in a plastic holder. He noticed something else in the holder, stuck behind the license: two \$50 bills. The driver said, "Officer, if you'll return my license and forget the speeding, you can keep whatever else is in there."

Somewhat shocked, the officer thought, "I could keep this. The driver is from out of town and will probably never be through here again. We're on a deserted stretch of road at night and I didn't call in the stop to dispatch. Nobody knows I'm here except the driver and me." Then his thoughts returned to his basic training class at the Department of Criminal Justice Training. What was it the ethics instructor had said about these situations? Oh, yes, The Bell, The Book and The Candle:

The Bell: when confronted with these situations, does a little bell go off in your head as a warning?

The Book: is there a rule, law or policy in a book somewhere that prohibits taking the money?

The Candle: for whatever choice I make, can I defend my actions in the light of public scrutiny? The officer also remembered the words from the Honor Code on the classroom wall in basic training. The words were clear in his mind: "We will not lie, cheat or steal. We will not tolerate among us those who do." His decision was clear.

The story you have just read is not real...or is it? Kentucky's peace officers, and, indeed, all peace officers, are often confronted with similar situations in their career. To quote an article from a National Institute of Justice article, "As the history of virtually every police agency attests, policing is an occupation that is rife with opportunities for misconduct. Policing is a highly discretionary, coercive activity that routinely takes place in private settings, out of the sight of supervisors, and in the presence of witnesses who are often regarded as unreliable."¹

How peace officers react to these situations, and the choices they make, depends to a great extent on their recruit training. Knowing this, the Department of Criminal Justice Training's basic training course has, as its foundation, a strong commitment to ethics and discipline.

In January 1999, DOCJT, in conjunction with the newly

established Peace Officers Professional Standards Act (POPS), instituted new ethical, disciplinary and training standards for recruits in basic training, as well as an emphasis on stricter enforcement of the standards. Among the new disciplinary standards were the Honor Code and a policy prohibiting alcohol. These standards are based on Kentucky Administrative Regulation 3:010 that deals with rules of conduct for recruits in Basic Training and KRS 15.382, the POPS legislation.

Initially, there was concern about the tighter standards. Many in the law enforcement community were worried that good police officers would get in trouble or not be able to meet the training standards and be lost to the profession. However, those worries have, for the most part, been unfounded. Data has shown that very few officers get in serious trouble, with

Total Recruits Enrolled	Number Disciplined	Percent of Total Disciplined
1096	186	16.97%
Offense Committed		Number Offenses
Training Activities-General Conduct		37
General Conduct-Department Property		37
General Conduct-Insubordination		25
Training Activities-Absences		14
Residence Hall-Curfew		13
Residence Hall-Room Inspection		12
Honor Code Violation		10
General Conduct-Conduct Unbecoming		10
Training Activities-Uniforms		8
Residence Hall-Visitors		6
Training Activities-Dishonesty		5
Residence Hall-Behavior		3
General Conduct-Weapons/Dangerous Devices		3
Training Activities-Breaks		1
General Conduct-Alcoholic Beverages/Intoxicants		2

most officers adhering to the ethical and disciplinary standards placed on them. Some administrators at DOCJT have noted that the Honor Code and the no-alcohol policy have had the most impact on the improved discipline of basic training recruits.

What do the numbers tell us? The tables above show a breakdown of recruit disciplinary actions from January 1, 1999 to October 15, 2001:

Since no infraction of the rules is allowed to go unpunished, the fact that less than 20% of recruits have been disciplined is very significant and serves to illustrate that most recruits are living up to the tighter standards.

Karen Cassidy, supervisor of Basic Training's Knowledge Section, who administers disciplinary actions, outlines the way discipline is handled. "Presently in Basic Training, there are two

methods of disciplining recruit officers. Summary discipline involves minor instances of rules infractions, with the penalty normally being a verbal warning or written reprimand. The class coordinator, section supervisor or branch manager imposes the discipline. Another method of discipline is reserved for more serious charges. The penalty ranges from verbal warning, written reprimand, probation, suspension or expulsion. In both instances, the recruit's employing agency is notified after disposition."

How do the staff and recruits feel about the high discipline standards? Ms. Cassidy states, "the emphasis on discipline attempts to prepare recruits for the street. Just as any officer is a visible member of the community, recruits realize they are under the watchful eye of any DOCJT staff member. It has often been said that if a recruit cannot follow the rules while in the academy, it is doubtful the officer will be able to follow policies and statutory requirements on the street. Discipline is not taken lightly at the academy. The staff realizes employing agencies want to know if their recruit officers are capable of following instructions and rules while under supervision."

And the recruits...what are their feelings about the standards? Consider the following statements from recruits:

"The discipline in Basic Training is restrictive in the fact that one must sacrifice free time for hard work. The hard work sets the standard for our career...it helps to ingrain a type of self-discipline in each of our minds and places a value on what is important."

"The personal accountability for our actions here will be exactly what we have to look forward to once on the streets."

What do other professionals say about strict adherence to high standards in peace officer training?

"Perhaps the best administrative technique for controlling corruption is to stress individual accountability and to clearly fix responsibility. Failure to hold personnel accountable breeds corruption." — Chief David Walchak, Concord, New Hampshire.

"First, raise the standards. It may require making the pool bigger as well, but in the long run, it will be worth it..." — Sergeant Donald Cahill, Prince William County Virginia Police Department.

"The major cause in the lack of integrity in American police officers is mediocrity. Mediocrity stems from the failure to hold officers responsible and accountable..." — Captain Ross Swope, Washington, D.C. Police Department.

Perhaps the best answer for why police officers should be held to such strict disciplinary and ethical standards can be found in another scenario from basic training.

It is 2:00 a.m. The young officer had just received a call to check a prowler at the home of an elderly lady who lives alone. He arrived at the address, approached the front door and knocked. At the window he saw the curtains drawn back briefly and then close. A moment later the elderly lady opened the door. "Thank God you're here," she said. The officer intro-

duced himself and began his questions.

Think of the significance of this situation. An elderly lady who lives alone is frightened enough to call the police at 2:00 a.m. Yet she doesn't hesitate to open the door when she sees a uniformed officer. What other profession has this kind of trust from the community? For whom else would she have opened the door? The impact of this kind of trust cannot be measured and for a police officer or an agency to do anything to undermine this trust is a tremendous blow to law enforcement. Agencies and officers must always adhere to strict discipline and ethical standards if they are to continue to keep the trust of the elderly ladies at 2:00 a.m.

¹ Carl B. Klockars, Sanja Kutnjak Ivkovich, William E. Harver, and Maria R. Haberland, "The Measurement of Police Integrity", National Institute of Justice, Research in Brief, May, 2000.

Update Career Development Program

Mike Browning, Principal Assistant

It was reported in the last issue of Law Enforcement News that the Kentucky Law Enforcement Council will release the Career Development Program, a voluntary career-tracking program in early 2002. The release date has been postponed until mid 2002 pending the passage of supporting legislation and regulations.

The Career Development Program will provide Kentucky law enforcement officers and telecommunicators with career tracks in Law Enforcement Officer, Law Enforcement Manager, Telecommunications Officer, and Telecommunications Manager. Each track will have multiple steps including intermediate and advanced, supervisor, manager, executive officer, investigative, traffic, and advanced deputy sheriff. Each step can be reached through a mix of training, education, and experience.

The Career Development Program will be managed through the POPS office. Questions regarding the program should be directed to Larry Ball, KLEC Staff Assistant at (859) 622-5943 or Michael Browning, DOCJT Principal Assistant, at (859) 622-8295.

F.Y.I.

Fran Root, Executive Staff Advisor Kentucky Police Corps

The Kentucky Police Corps is up and running strong. The first class of Police Corps Cadets, which consisted of 25 recruits fielded to 14 agencies, graduated on November 2, 2001. Police Corps is currently working with over thirty agencies and is searching for more agencies ready to take advantage of this program. By 2005, Police Corps plans to pump more than 1.3 million dollars annually into our participating agencies. This estimate is derived solely from agency payments (\$10,000 per officer, per year) and does not take into consideration the scholarships, training, and equipment for Kentucky's law enforcement.

With the next class, we plan to further enhance the areas of Legal, Defensive Tactics, and Physical Training. This is in addition to their Spanish language program, the Leadership Challenge Course, and the Tactical Police Mountain Bike certification.

Considering the implications of September 11, the recruiting and training of law enforcement professionals has moved even more to the forefront. At the national level, the Police Corps is working with top experts in the field of combating terrorism.

Our class for 2002 will begin in early June and graduate by late November. We are looking for candidates not only for this class, but also for future classes, and continue to accept applications at any level, from high school senior to college graduate. The best way for agencies to obtain a Police Corps graduate is to make referrals of quality candidates to our office. We believe in placing our graduates back to their home areas whenever possible.

For additional information please contact the Kentucky Police Corps at (859) 622-5032. Outside the Richmond area call toll free 1-866-592-6777.

The Kentucky Police Corps web site is located at <http://docjt.jus.state.ky.us/pcorps/>

Kentucky Police Corps Update

Graduates Assigned

Bardstown Police
Campbellsville Police
Daviess County Sheriff
Grant County Sheriff
Russellville Police
Versailles Police
Harrison County Sheriff
Edgewood Police
Somerset Police
Clark County Sheriff
Paducah Police
Paris Police
Danville Police
Lexington Police
Erlanger Police
Nicholasville Police
London Police
Morehead Police
Mt. Sterling Police
Woodford County Sheriff

Sponsoring Future Graduates

Cynthiana Police
Florence Police
Hazard Police
Henderson Police
Hopkins County Sheriff
Jessamine County Sheriff
Leslie County Sheriff
Oldham County Police
Owensboro Police
Pikeville Police
Richmond Police
Shelbyville Police
Williamsburg Police

Leadership Challenge Course

Fran Root, Executive Staff Advisor, Kentucky Police Corps

We are pleased to announce the completion of our new Leadership Challenge Course. This course was completed late this summer and is a joint operation of the Department of Criminal Justice Training, the Kentucky Police Corps and Eastern Kentucky University.

Our Leadership Challenge Course is a state-of-the-art facility comprised of a variety of physical obstacles generally referred to as low elements (meaning near the ground) or high elements (referring to obstacles negotiated at a height greater than 10 feet off the ground). It serves as a training facility to help individuals and groups explore skills such as: leadership development, team building, communication, problem solving, organization, and following directions.

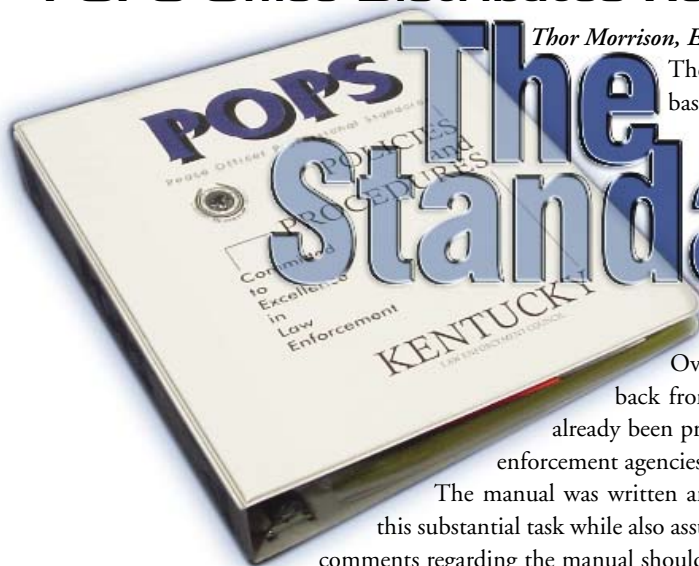
The Challenge Course is a practical tool in developing self-confidence along with trust in and respect for others. This outdoor-based experiential approach to learning provides an exciting venue for developing skills and can be integrated into any curriculum or program. It is an ideal resource for any organization to improve teamwork, communication skills, and self-esteem.

The course has been utilized extensively by the recently graduated Police Corps class, as well as by members of various special weapons and tactics teams. It is an excellent resource for small and large agencies alike, whether you are interested in team building, leadership development, or individual growth. The course is available for non-police agencies use through Eastern Kentucky University. The contact person is Rick Lewis at (859) 622-1217 or Rick.Lewis@eku.edu. Any questions may be addressed to Billy Fryer, Police Corps Challenge Course supervisor, at (859) 622-6621 or bfryer@docjt.jus.state.ky.us.



Peace Officer Professional Standards

POPS Office Distributes Resource Manuals



Thor Morrison, Executive Staff Advisor, Peace Officer Professional Standards Office

The POPS office conducted testing services on an emergency-only basis from September 10 to September 14 in order to free all available staff time to hand deliver the recently completed "POPS Manual." This manual should be considered the standard operating procedures document of the Peace Officer Professional Standards office and should be used by agency executives as a guide to services and requirements.

Over 280 manuals were hand-delivered across the state. Initial feedback from agency executives has been clearly favorable, as the manual has already been proven to be an essential tool for chiefs, sheriffs, and directors of law enforcement agencies.

The manual was written and edited by Ms. Pam Shaw of the POPS office; Pam worked on this substantial task while also assuming her regular testing assignments. Anyone having questions or comments regarding the manual should contact the POPS office. We welcome and encourage inquiry and comments regarding the manual.

DOCJT, Kentucky State Police and Professional Standards Office Team up to Offer



*Thor Morrison, Executive Staff Advisor
Peace Officer Professional Standards Office*

The Kentucky Law Enforcement Council's Office of Peace Officer Professional Standards (POPS) and the Kentucky State Police co-hosted a basic polygraph examiner's school in Richmond with cooperation from the Department of Criminal Justice Training. From August 6 to September 28, four students completed the 400-hour class, which covered all aspects of psycho-physiological detection of deception. Rick Bastin, KLEC-POPS; Lieutenant Terry Evans, KSP; Officer Tim Lykins, Louisville Police Department; and Officer Chris Sperry, Huntington (West Virginia) Police Department fulfilled all requirements for new examiners. The Kentucky graduates are presently undergoing a yearlong internship to complete their learning process.

Upon completion of the internship, Rick Bastin will become the third examiner for the POPS office. POPS provides polygraph testing as a service for law enforcement agencies complying with the Professional Standards Act. The Act requires virtually all new law enforcement applicants to complete a polygraph examination prior to being hired. Combined with the required suitability (psychological) assessment and background investigation, polygraph testing provides valuable information and confirmation of an applicant's personal history.



*Karen Cassidy
Section Supervisor, Basic Training*

One way Basic Training recruits can accomplish the spirit of community involvement is working with charities and organizations. In order to instill the spirit of involvement, recruits are encouraged to take part in a community project while attending the sixteen-week Basic Law Enforcement course.

Community projects take many forms for the classes as evidenced by recent endeavors by recruits. While all classes choose individual class projects, sometimes classes will work together on a certain project. Classes 306, 307 and 308 teamed up to provide needy children with necessary school supplies. Paper, pens, pencils, clear backpacks and other supplies were purchased. All school supplies were very much appreciated by the children, who were able to start their school year with new supplies.

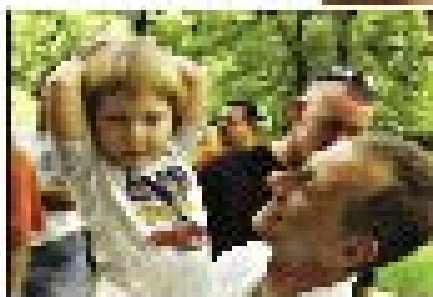
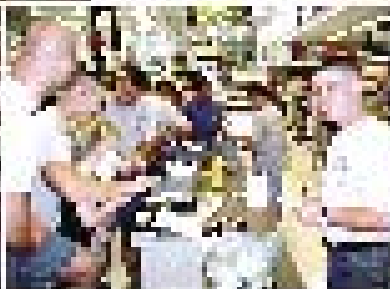
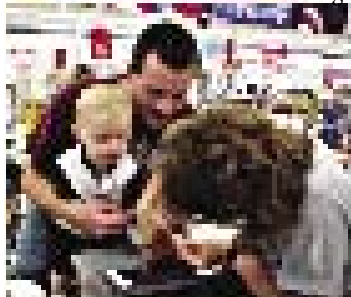
Individual class projects included:

Class 306 worked diligently on securing the necessary number of license plates for the Law Enforcement Officer's Memorial. Recruits worked on Saturdays in order to help achieve the goal.

Class 307 worked two nights at Wal-Mart fingerprinting over two hundred children. The recruits fingerprinted children that ranged from six days old to children approximately twelve years old. The recruits also spoke to the children about law enforcement while they handed out toy badges, candy and stickers.

Class 308 assisted in supervising children from the Madison Avenue apartments at a Power Team Exhibition. The event was held on the Eastern Kentucky University campus.

Basic Training News



Recruits Participate in Flag Detail

Karen Cassidy

Section Supervisor, Basic Training

DOCJT Basic Training Recruits are given the responsibility to raise and lower the American, Kentucky, DOCJT, and Eastern Kentucky University flags each training day. While only the flag detail participates Monday through Thursday, Friday morning all Basic recruits participate in the ceremony.

The DOCJT drill instruction team, headed by instructors Robert Johnsen and Tim Hurt, asks for volunteers to become a part of the flag detail. Recruits volunteer their own time, not only for the actual ceremony, but also for practice. In addition to their flag duties, members of this detail also have the responsibility of cleaning the Law Enforcement Officer's Memorial located in front of the Funderburk Building. Those who participate in this special program receive a certificate of appreciation for their special involvement while in training at DOCJT.



In-Service Training

Telecommunications Academy

Pat Carter

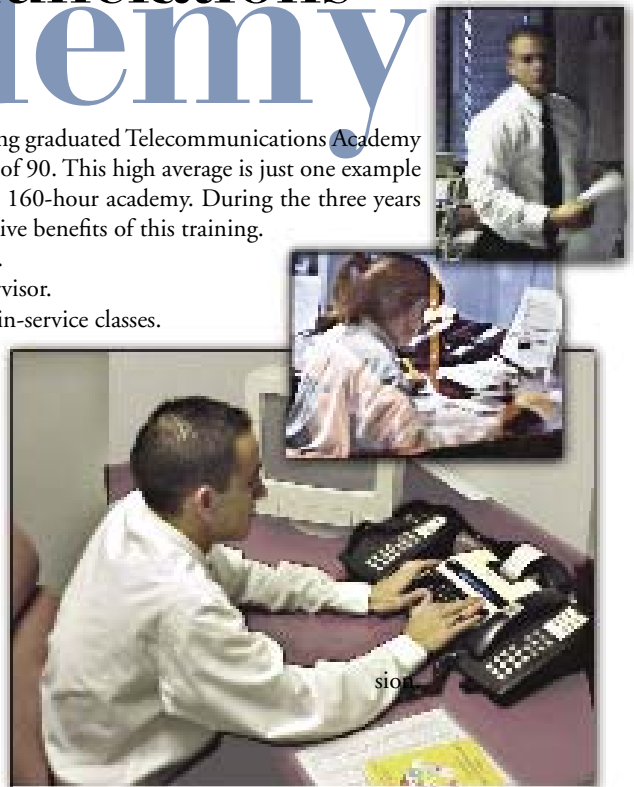
Communications Section Supervisor

The Communications Section of the Department of Criminal Justice Training graduated Telecommunications Academy Class 12 on Friday, October 26th, 2001. This academy held an overall average of 90. This high average is just one example of the obvious effort put forth by the students and the instructors during this 160-hour academy. During the three years that this section has offered and held these classes, we have noticed many positive benefits of this training.

- The overall grade point average of all academies has always been 90 or above.
- Several graduates of the Academy have already received promotions to supervisor.
- The positive interaction and confidence of the graduates are obvious during in-service classes.
- The contacts they made during their 4-week association have continued beyond graduation, providing valuable resources with other agencies.
- Agencies that have participated in the academy make the commitment to send new hires to training.
- The response by participating agencies has been overwhelmingly positive.

Employees who graduate from this academy are better prepared to do their critical job, are more self-assured, and positive about their careers.

The Communications Section of the Department of Criminal Justice Training would like to thank the agencies who have supported our efforts to elevate the career of telecommunications by participating in the academy concept. We sincerely hope that all agencies will support DOCJT's efforts to mandate the Telecommunications Academy during the 2002 Legislative Session. This action will provide an opportunity to recognize the responsibilities and duties of telecommunications, and how they have changed.



F.Y.I.

In-Service Training Needs Assessment

*Terry L. Mosser, Section Supervisor, Patrol and Traffic Section
David R. Hobson, Staff Assistant, Staff Services and Planning*

The Department of Criminal Justice Training (DOCJT) In-Service Training Branch and the Staff Services and Planning Office are conducting a research project to determine the in-service training needs of Kentucky law enforcement agencies. This project began in early summer with the collection of information from those law enforcement agencies that send officers to DOCJT in-service training.

To ensure that the list of training needs for the survey would be as inclusive as possible, focus group meetings were conducted throughout the Commonwealth. The Commonwealth was divided into 11 in-service training regions. A number of agencies from each of these regions sent representatives to the focus group meetings that were held. An effort was made to ensure fair representation of all law enforcement agencies-municipal, county, state, sheriff's offices, airport police and university police. Agencies were then classified according to the number of sworn personnel to ensure representation of all sizes of agencies.

Focus groups were created for each of the following disciplines: Administration, Investigation, Management, Patrol, Sheriffs, Supervision, and Traffic.

Each agency was asked to send representatives who had expertise in a particular discipline to the focus group meetings. Each focus group was given the responsibility of discussing possible training needs within the group. Mr. Terry Mosser and Mr. David Hobson served as facilitators for the focus group meetings, which took place in August and September.

The information gathered from these focus group meetings was entered into a database that classified each training need according to a topic area as well as the discipline and region. Duplicate training needs were eliminated and similar needs were combined. The initial list of training needs numbered well over 800 for all 11 regions. After duplicates were eliminated and similar needs combined, the final list of training needs numbered 388.

This final list of training needs was the basis for the Training Needs Assessment survey sent to 408 law enforcement agencies in October. To ensure that the training needs could be evaluated according to the order of importance to the agency, the scores for each available response were weighted according to importance. For each training need, the respondent marked it Great Need, Some Need, or No Need. The total score given for each training need by all responding agencies was then ranked with the other training needs in each discipline. The Training Needs Assessment survey had a response rate of approximately 50%.

DOCJT to Offer Tactical Training

Herb Bowling, Director of Training Operations

Tactical Training has been identified as a high priority training need for Kentucky law enforcement officers. The process began with a survey of all police and sheriff agencies in the Commonwealth. More than 125 agencies listed this as a high priority and projected they would send over 800 officers to tactical training.

Due to the positive response for training and a desire to develop a professional program, a number of highly qualified SWAT and tactical officers were invited to participate in developing and implementing a training program. Officers from the following agencies are participating in this process: Lexington, Louisville, Jefferson County, Kentucky State Police, Bowling Green, Frankfort, Ft. Mitchell, Alexandria, Covington, Department of Criminal Justice Training, and Mr. Ed Porter, retired chief of Erlanger Police Department.

The committee recommended that there should be two levels of tactical training made available to police agencies throughout the state. One level would be basic tactical responses, which would allow an officer or a small number of officers to respond to an emergency. This course would be available to all officers in the state and would be developed and taught by the Department of Criminal Justice Training staff instructors.

The second level of training would be more advanced and only be available to members of an organized tactical operations team whose agency had committed to continuous training on a monthly basis. This series of

The following lists illustrate the top five training needs identified in each discipline.

Administration

Rank Training Need

1. How to write and manage grants.
2. How to identify the legal aspects of pursuit.
3. How to plan for critical incidents.
4. How to identify vicarious liability issues for administrators and how to deal with them through policies and training.
5. How small agencies can combine resources through inter-local agreements

Investigation

Rank Training Need

1. How to conduct a narcotics investigation in a small agency/rural setting.
2. How to utilize the Internet as an investigative tool.
3. How to deal with hostage situations/barricaded subjects.
4. How to investigate drug labs.
5. How to identify search and seizure issues related to search warrants.

Management

Rank Training Need

1. How to investigate a critical incident.
2. How to apply for, write and manage grants.
3. How to identify computer programs to assist in easing the paperwork load.
4. How to secure needed equipment for officers.
5. Identify how the Uniform Offense Report system, E-Crash system and Uniform Citation system work.

Patrol

Rank Training Need

1. How to conduct pursuits.
2. How to identify/detect drugs and their symptoms.
3. How to conduct safe drug eradications.
4. How to investigate meth labs.
5. Identify ingredients and equipment used in the manufacture of drugs.

Sheriffs

Rank Training Need

1. How to identify and apply for grants.
2. Identify the liability issues of the sheriff's office.
3. How to safely execute high risk warrants.
4. How to identify deputy safety issues.
5. How to identify Kentucky laws as they relate to the office of sheriff.

Supervision

Rank Training Need

1. How to obtain and write grants.
2. How to utilize the Internet for resources.
3. Identify the latest updates in the penal code, search and seizure, and legal cases.
4. How to be an effective supervisor.
5. How to use computer software.

Traffic

Rank Training Need

1. How to conduct legal vehicle searches when dealing with drugs and other contraband.
2. How to safely pursue.
3. Identify the indicators of impairment for driving under the influence of various drug categories.
4. How to recognize drug/criminal activity during traffic enforcement duties.
5. How to apply pursuit techniques.

Two significant factors were noted as a result of this ranking. The first is that "applying for, writing and managing grants" is ranked in the top 5 in four of the seven disciplines (Administration, Management, Sheriffs and Supervision). The second factor is the emphasis on drug investigations (4 of the top 5 training needs) in the Patrol discipline. These preliminary results, coupled with further analysis by In-Service personnel, will provide valuable information for determining future In-Service training courses.

The Department of Criminal Justice Training would like to express its appreciation to all participating agencies. We would also like to give special thanks to those law enforcement personnel who participated in the focus group meetings. Their participation in this study was essential in terms of providing the basic information for the survey instrument.

courses will be developed and taught by highly qualified and recognized leaders currently serving on a SWAT team, or with prior experience as a SWAT team member.

Committee members are currently preparing a basic SWAT curriculum that will be submitted to the Kentucky Law Enforcement Council for approval at its February 2002 meeting. While still in the planning stages,

this curriculum should contain approximately 85 instructional hours. The Department hopes the first course will be taught during the summer months of 2002.

Further courses will be developed to supplement the basic SWAT and tactical training courses when they are identified as a training need.

F.Y.I.

DOCJT Hosts 10th Annual Competition Shoot For Charity

Scott Owens, Training Instructor, Patrol and Traffic Section

Nearly 40 law enforcement officers, representing 14 agencies from across the state, vied for top honors in the DOCJT's 10th annual Competition Shoot, Saturday, October 27.

The shooters braved the crisp morning weather at the Boonesboro Range on the Kentucky River, and raised \$700 for the New York Police & Fire Widows' and Children's Benefit Fund.

For the third consecutive year, the Lexington Police Department team of David Ashford and Mark Sands earned the competition shoot's Top Team Award. Ashford also took first place in the Individual Competition. Steve Griffin of the Jeffersontown P.D. outgunned all other shooters Saturday to win first place in the Combat Competition with a time of 2.58 seconds.

The Department of Criminal Justice Training would like to thank McDonald's, Wendy's, Kroger and Dishman's Shell Station of Richmond for their generous support.

DOCJT Competition Shoot Winners:

Individual Competition

- 1st David Ashford of Lexington PD (460 points)
- 2nd Steve Moran of Jefferson County PD (456 points)
- 3rd Steve Griffin of Jeffersontown PD (455 points)

Team Competition

- 1st David Ashford and Mark Sands of Lexington PD (909 points)
- 2nd Brian Colebank and Steve Griffin of Jeffersontown PD (872 points)
- 3rd Bryan Redmond and Casey Wilson of Frankfort PD (859 points)

Combat Shoot

- 1st Steve Griffin of Jeffersontown PD (2.58 seconds)
- 2nd Jennifer Jones of Jefferson County Corrections (2.67 seconds)
- 3rd Steve Moran of Jefferson County PD (3.15 seconds)

River Range

*J. Oakie Greer, Supervisor
Basic Training Skills Section*

The Department of Criminal Justice Training has recently completed some major renovations to the firing range located near Boonesboro on the Kentucky River. In an effort to provide the most up-to-date facility not only for the Department's training needs, but also for the training needs of the state wide law enforcement community, a great deal of time and resources have been allocated to make this venture a success.

The Boonesboro Range Complex now includes three full-service handgun/shotgun ranges, a newly designed rifle range with target pit, a Hogan's alley, a shotgun walking trail and a live-fire house designed for simulations and paintball training. The site also includes four new range shelters, a new classroom and additional storage. These improvements have made the firing range more able to meet the future training needs of the DOCJT and give law enforcement agencies in our state an opportunity to experience a first-rate firearms training facility.



Criminal Justice Class III

Executive Development

*Ken Morris, Training Instructor
Management & Investigation Section*

The Criminal Justice Executive Development program graduated its third class on October 26. The keynote speaker was United States Senator Jim Bunning, who spoke about the importance of quality police leadership, the role local police officers have in the war on terrorism and the recently signed anti-terrorism bill.



Captain Mike Klein, from the Kenton County Sheriff's Office, was the class speaker and addressed the importance of honor, courage and commitment.

The CJED program, as it is commonly known, is an eight-week advanced leadership course designed to prepare managers of small to medium size law enforcement agencies for the challenges of the future. The class met for two weeks, four separate times over a period of eighteen months, which began on May 15, 2000. The class heard from distinguished speakers and experts from across the country covering a variety of law enforcement related topics.

The graduates are: Sergeant Bussman, Ft. Mitchell PD; Sergeant Brian Butler, Independence PD; Lieutenant Rick Cox, Eastern Kentucky University PD; Major Tony Fanok, Henderson PD; Lieutenant Daniel Goodenough, Villa Hills PD; Sergeant Ken Holstein, Covington PD; Chief Deputy Ron Jones, Oldham County Sheriff's Office; Captain Mike Klein, Kenton County Sheriff's Office; Assistant Chief David Nichols, Independence PD; Captain Gary Reese, Paducah PD; Chief Dale Riggs, Vine Grove PD; Sergeant Scot Schwartz, Cincinnati/N. Kentucky Airport PD; Sergeant Joe Smith, Springfield PD; Sergeant Todd Straman, Campbell County PD; Sergeant Terry Towles, Newport PD; Jim Wendel, Villa Hills PD.

UPDATE

Criminal Justice Executive Development

*Ken Morris, Training Instructor
Management & Investigation Section*

On November 5, 2001, Criminal Justice Executive Development Class IV began the first two weeks of the newly revised CJED program. Previously, the CJED class was eight weeks long and took 18 months to complete. During the summer of 2001, a Job Task Analysis was conducted across the state, and it was determined that a more condensed version would better serve all departments across Kentucky. Consequently, the CJED program is now a five-week program spread over six months.

The class has 20 members from departments across the state. The first week they experienced "Situational Leadership for Law Enforcement," an intensive four-day program which includes applying the learned leadership principles to the movie "12 O'clock High." This highly rated leadership program is presented by Eastern Kentucky University's College of Justice and Safety, Eastern Kentucky University and the DOCJT. During the course's second week, the topics covered included: Wage and Labor Laws, Ethics and Integrity, Public Speaking, Executive Writing, and Administrative Law.

CJED IV will re-convene February 2002 and graduate in April 2002.

DOCJT News

Special Recognition

F.Y.I.

DOCJT Names at Annual Meeting

"Instructor of the Year" and "Teamwork" Award

*Diane Patton, Staff Assistant
Commissioner's Office*

Instructor of the Year Award

Terry Runner, instructor in the Knowledge Section of the Basic Training Branch, was named the "DOCJT Instructor of the Year for 2001" at the DOCJT Annual Meeting on October 15, 2001. In nominating Mr. Runner for this honor, the Basic Training Supervisors said, "Mr. Runner has numerous attributes that exemplify



the qualities of an exceptional instructor. Not only does Mr. Runner possess positive aspects of professionalism, he also has a personable demeanor and is a pleasure to work with. All staff find an amazing spirit of cooperation when contacting him."

Teamwork Award

The Staff Services and Planning Section was given the "DOCJT Teamwork Award" at the Annual Meeting on October 15, 2001. David Hobson, Staff Assistant for Staff Services and Planning, nominated this section for the award. In his nomination Mr. Hobson states, "In the short time they have been together they have worked on a number of comprehensive projects. Examples of such projects include the 2001 Comprehensive Survey, 2002 In-Service Needs Assessment Survey, and the Auxiliary Officer Survey. Such projects often involve a mass mailing or making numerous phone calls and, without complaint, they all pitch in to get it done. The teamwork these individuals demonstrate also goes beyond the section. They have provided assistance on many occasions to other members of the agency and have done so willingly and with great enthusiasm. Their cooperative efforts have helped make this young section a vital part of DOCJT."



Members of the Staff Services and Planning Section are: Gerald Belcher, Planning/Research Advisor; Allison Harrison, Administrative Specialist III; Edliniae Sweat, Administrative Specialist III; and David Hobson, Staff Assistant.

Graduates from Management Program DOCJT Employee

*Jacinta Feldman Manning
Public Information Officer, Commissioner's Office*

Edliniae Sweat, Administrative Specialist III in the Staff Services and Planning Office, graduated from the Governor's Minority Management Trainee Program along with 17 other state employees on December 6.

"The Governor's Minority Management Trainee Program was an enjoyable and very rewarding experience," Sweat said. "My hope is that the challenges, courage, accomplishment and friendships that I have gained through this program will continue to support my efforts in making Kentucky state government a great place to work."

The program develops qualified minority candidates through training and instruction to meet needs of state government. It is the only program of its kind in the nation.



Candidates are selected every two years to participate in the program. They take management classes at Kentucky State University and prepare projects.

Once they have completed the program, the employees receive their Certificate of Management Fundamentals.

This is the third class to complete the program since it was started in 1995.



Certified Public Manager Program

Jacinta Feldman Manning, Public Information Officer, Commissioner's Office

DOCJT employees Darrell Cook, Carolyn Schaefer, and Ken Schwendeman graduated from the Certified Public Manager program, and seven others received their Certificate of Management Fundamentals at a ceremony in Frankfort, November 29.

Both Cook and Schwendeman won project awards.

The program is an accredited curriculum that teaches managerial training for state government employees. To become a Certified Public Manager, employees must complete an intensive curriculum that includes tests, projects and almost 300 hours of classroom instruction, which is broken into two phases.

Once employees complete the first phase, they receive their Certificate of Management Fundamentals. Timothy Anderson, Jeff Burns, Ron Godsey, Horace Johnson, Diane Patton, Linda Renfro and Edliniae Sweat received their CMF in November. Forty other DOCJT employees are currently enrolled in phase one of the program.



Other DOCJT employees who are CPM graduates:

*James R. Brown
Jane Carrier
Karen Cassidy
Regina Douglas
Janice Earnest
Helen Koger
Bill Moseley
Arthur Pascal
Tamara Thomas*

Shein Award

Dennis Mills

Executive Staff Advisor, Kentucky Law Enforcement Council

Presented to Commissioner Bizzack

The Kentucky Law Enforcement Council presented the Shein Award to Dr. John Bizzack at its November 8, 2001 meeting at Paintsville's Ramada Inn. KLEC Chairman Robin Cooper, Mayor of Paintsville, presented the award. He cited Dr. Bizzack's more than 30 years of service to the law enforcement community as police officer, educator and author. In his remarks, Chairman Cooper emphasized Dr. Bizzack's leadership role at the Department of Criminal Justice Training. In the past five years, the Department has more than doubled its staff and received CALEA accreditation.

Dr. Bizzack was instrumental in the passage of the Peace Officer Professional Standards (POPS) legislation and is one of the founders of the Kentucky Law Enforcement Memorial Foundation.

The Shein Award, named for Dr. Melvin Shein of Louisville, has been awarded annually since 1973. It is presented for distinguished service in the field of law enforcement in the Commonwealth. The recipient of the award should be a person who has assisted and promoted law enforcement for the previous year.



F.Y.I.

*Dennis Mills, Executive Staff Advisor
Kentucky Law Enforcement Council*

The 2001 Session of the Kentucky General Assembly passed KRS 15A.195 relating to racial profiling. The statute requires that the Justice Cabinet, in consultation with other agencies, design a model policy and that the Kentucky Law Enforcement Council disseminate this policy to all local agencies. All local law enforcement agencies participating in KLEFPF must adopt a policy prohibiting racial profiling that meets the standards set forth in the model. Failure of a police or sheriff's department to adopt a policy prohibiting racial profiling would result in the loss of KLEFPF funding. The statute also sets time limitations for implementation. The local departments must implement a policy that meets the standard within 180 days of dissemination of the model policy. A dissemination date of July 25, 2001 was established and copies of the model were mailed to all chiefs, sheriffs, mayors and county judges executive. The letter informed all parties that a policy that meets statutory requirements for prohibiting racial profiling had to be received by the KLEC office no later than January 25, 2002. Secretary Stephens has designated Department of Criminal Justice Training Commissioner John Bizzack as his designee for approval of



racial profiling policies.

To be acceptable, the policy must include:

- Agency name
- Effective date of the policy
- Definition of prohibited conduct. Language must prohibit any stop, detention, or search based upon actual or perceived ethnicity, race or color.
- Statement of prohibition
- Statement of administrative sanctions, and
- Statement requiring KLEC approved training in racial profiling.

Nearly half (47 %) of the departments had responded by October 22, 2001, which represented the mid-point in the 180-day time limit. At that time, an additional reminder notice was sent by certified mail to all chiefs and sheriffs that had not responded.

Racial profiling policies, or any questions, should be directed to:

Dennis Mills
Kentucky Law Enforcement Council
Funderburk Building
521 Lancaster Drive
Richmond, KY 40475
Phone (859) 622-6566
Fax (859) 622-6504
dmills@docjt.jus.state.ky.us

Kentucky Law Enforcement New Council Member

*Dennis Mills, Executive Staff Advisor
Kentucky Law Enforcement Council*

Chief Joey Hoover was appointed to the Kentucky Law Enforcement Council to fill the unexpired term of Rod Maggard, who retired.

Chief Hoover, a life-long resident of Jamestown and Russell County, has been a member of the Jamestown Police Department since February 1989 when he joined the JPD as a police officer recruit at the age of 22. Hoover graduated from the Department of Criminal Justice Training's Police Academy later that same year. In January 1990, Hoover was certified as an instructor in Project DARE and began teaching the drug prevention program in all four of Russell County's elementary schools, a role he continued for the next eight school years.

In March of 1995, Hoover was appointed Chief of Police at the age of 28, making him the youngest chief in Kentucky at that time. In May of 1996 Hoover completed five weeks of extensive training with his new partner, K-9 Castor, a dual purpose police canine trained in narcotics detection, tracking, and handler protection.

Chief Hoover and his wife Lisa have been married since 1989 and they have one daughter, Alexandria, who attends Jamestown Elementary. The Hoovers are members of the Jamestown Christian Church. Chief Hoover's favorite things in life are spending time with family and friends, helping others, working (especially investigations), and listening to music.



Comings and Goings

New Employees

Eric Ralston was employed by DOCJT previously as a summer hire. In the fall he was appointed as Administrative Specialist I in the Facilities Section. He is currently attending ECU.

Kim Spires is the new Administrative Specialist II in the Records/Registration Section. Kim came to us from the Cabinet for Families and Children.

Kevin Rader came to us from Lexmark where he was in Workstation Support. He has joined Information Systems as a Network Analyst I.

Jacinta Manning is the new Public Information Officer in the Commissioner's Office. She previously worked for the Kentucky Press Association as their News Bureau Director.

Lindsay Hughes is a new addition to the Physical Training/Defensive Training Section as Law Enforcement Training Instructor I. Lindsay came to us from Georgetown Police Department.

Mike Beck is a new Administrative Specialist III in the POPS office.

Gary Davis is a new Administrative Specialist III in the POPS office.

Rhonda Snyder is a new Administrative Specialist II (part-time) in the POPS office.

Promotions

Terry Mosser to Training Section Supervisor

Jerry Huffman to Law Enforcement Training Instructor III

Patrick Doyle to Administrative Specialist II

Patrick Miller to Law Enforcement Training Instructor II

Rachel Nease to Administrative Specialist I

Kay Fuson to Administrative Specialist III

Goings

Jaime Gray-Strothman resigned her position here as Administrative Specialist III to return to college and pursue a degree in Secondary Education.

Tonya Stallard resigned her position as Administrative Specialist II upon being accepted at the University of Dayton to obtain a Masters Degree in Psychology.

Karen Acar resigned as Public Affairs Officer for DOCJT after one year of service and is now working for the Legislative Research Commission.

Scott Owens resigned his position as Training Instructor I to take a position with the Indiana State Police.

Danny Harrell resigned his position as Training Instructor I to accept a position with Jefferson County Schools.

Job Openings

West Liberty Police Department Morgan County E-911

We currently have an opening for a Telecommunicator position, working midnight shift. Starting wage is \$6.05, with pay increase to \$7.05 after six months on the job. Pay is commensurate with training and experience. Benefits include insurance and retirement program, as well as two weeks vacation per year, plus one sick day per month accrued. This is a growing dispatch center with CAD and GIS.

For more information contact John Conley, E911 Director

561 Main St

West Liberty, Ky 41472

(606) 743-9911

e-mail: pliberty@mrtc.com

Statewide LEN News

In the Spotlight

STATEWIDE

From Past DOCT To Present

David Hobson,
Staff Assistant Staff Services and Planning

*Including excerpts and information from an interview with
Robert Clark Stone conducted by Allen K. Johnson*



“In the initial days of training, a lot of the state’s law enforcement agencies thought they couldn’t afford to send their people to training. It was amazing how little funds some of the police departments had.”

Commissioner Robert Stone

September 1, 1966, is considered to be the birth date of the present Department of Criminal Justice Training. Prior to this date, a majority of Kentucky law enforcement agencies offered no training to their officers. Training courses were offered to individual agencies by several training groups, but many officers didn’t take full advantage of these courses.

One of the first participants in formalizing police training in Kentucky was Mr. Ted Bassett. Mr. Bassett, Director of the Kentucky State Police in 1966, contacted Robert C. Stone, a soon-to-be-retired F.B.I. agent, to determine if he was interested in working with Eastern Kentucky University under a federal grant to establish a standards and training council. Mr. Stone was interested and upon retiring from the F.B.I. on August 31, 1966, he began working at Eastern Kentucky University on September 1, 1966.

Locating this standards and training council (aptly named the “Kentucky Peace Officers’ Standards and Training Council”) at Eastern Kentucky University wasn’t by happenstance. The president of the university, Dr. Robert R. Martin, was very interested in police training and was willing to accept and support this program at Eastern Kentucky University. On September 1, 1966, Eastern Kentucky University received a \$15,000 grant from the Office of Law Enforcement Assistance, United States Department of Justice, under the Law Enforcement Assistance Act of 1965. The grant established the Kentucky Peace Officers’ Standards and Training Council to research training needs, establish a small training program, and to determine whether Kentucky police officers would participate in training.

The Kentucky Peace Officers’ Standards and Training Council was staffed by Executive Director Robert Stone and a secretary. The council was first comprised of 15 members.

According to Robert Stone, one of the first tasks of the training council was to study the needs of the

state’s police officers before deciding what training to offer. “The original purpose of the training was rather rudimentary. We knew that officers should have some training. Larger cities like Lexington and Louisville had good training courses at that time, but most departments could not offer training. We were very concerned over the fact that officers could carry firearms, but had no training in how to use them, or the legal aspects of when they could use them and when they couldn’t. That was an early focus of training.”

During the first five months of its existence, the council determined the training needs of police agencies and developed curricula for courses to be offered. The council was also responsible for cultivating public and legislative support for law enforcement training as well as working with the Governor’s office, the Legislative Research Commission, and other state agencies to formulate and maintain law enforcement training standards. The Kentucky Association of Chiefs of Police (KACP) assisted in the early days along with the Lexington Police Department, the Southern Police Institute (SPI) and the Kentucky State Police (KSP). Experimental courses were conducted with the assistance of the F.B.I. and the Lexington Police Department. From 1966 to 1968, the council was administratively a part of Eastern Kentucky University.

When asked to comment on the formation of the training council, Mr. Stone said, “We learned a lot from other states that were already conducting statewide training. I was a charter member of the National Association of State Directors of Law Enforcement Training. This group would meet often to discuss training-related issues and they helped us to resolve any problems we had starting our program.”

In 1968 the Kentucky Legislature enacted legislation which made the Kentucky Peace Officers’ Standards and Training Council an independent state agency. The name was changed to the Kentucky Law Enforcement Council (KLEC) and the council was given the responsibility to study police standards and provide and supervise police training.

The newly named KLEC established training programs which included a three-week basic training course as well as several specialty courses and seminars.

“In the initial days of training, a lot of the state’s law enforcement agencies thought they couldn’t afford

to send their people to training. It was amazing how little funds some of the police departments had.” commented former DOCJT Commissioner Stone.

In July 1968, Police Management Course #1 was offered and 51 students participated. Basic Training Class #1 began on July 7, 1969, with thirty officers and was completed on July 27, 1969. The DOCJT graduated its 300th class in 2001.

The length of basic training increased to four weeks with Basic Training Course #2, which was conducted in 1969. The next increase in training time would occur in September 1971 when the number of weeks increased to six weeks. Nine basic training

As of October, 2001, almost 6100 officers were included in the KLEFPF program, receiving \$3100 for their annual training.

courses were conducted that year, training a total of 253 officers.

1972 would prove to be a pivotal year for KLEC. Through Kentucky Revised Statute 15.410, which became effective July 1, 1972, funds would be provided for a pay incentive to police officers who met the participation requirements. This innovative incentive program became known as the Kentucky Law Enforcement Foundation Program Fund (KLEFPF). In order for officers to receive the pay incentive, they had to complete a 400-hour (10-week) basic training course within one year of their employment date. To continue to participate in the program, officers then had to complete a 40-hour in-service training course at a certified training complex. At that time, the pay incentive was equivalent to 15% of an officer's salary. The legislation also required that all sworn officers within the agency would have to participate in the training in order for any of them to receive the pay incentive.

However, not all law enforcement officers would be eligible for the pay incentive. Sheriffs, their deputies, university police, airport police, and the Kentucky State Police were not included in the fund at that time.

In 1973, Governor Wendell Ford issued an Executive Order, which was later confirmed by the Legislature, that reorganized state government and established a Kentucky Department of Justice headed by a Secretary of Justice. The Department of Justice was comprised of three bureaus: the Bureau of State Police, the Bureau of Corrections, and the Bureau of Training (presently the Department of Criminal Justice Training). Governor Ford's Executive Order provided for law enforcement training as well as the training of corrections personnel and judges.

In 1977, three field offices were established for the purpose of making in-service training more accessible to police departments across the state. The Northern Kentucky office was located in Highland Heights at Northern Kentucky University. The Louisville area office was located on the Shelby Campus of the University of Louisville. The Western Kentucky office was located in Bowling Green at Western Kentucky University.

In March 1985, by Executive Order, the Department of Training became the Department of Criminal Justice Training. From 1984 to 1986, the Department's divisions were reorganized and

the Northern Kentucky field office was closed. In 1986, the Communications Training Section was created to meet the legislative mandate for training police communications personnel.

In 1986, the first comprehensive Job Task Analysis for patrol level officers in Kentucky was completed. At this time a proposed 14-week basic training curriculum was created. However, the new curriculum was rejected by the 1986 General Assembly. The data obtained from this Job Task Analysis was utilized to create a new 10-week curriculum.

The first 10-week Sheriff's Basic Training course, for sheriffs and their deputies, was conducted in 1987. The training was in basic police skills with emphasis on the special duties of the office of Kentucky sheriff. In 1989, the Kentucky sheriffs suggested the basic training curriculum be the same as required of other law enforcement officers. Sheriffs and their deputies presently attend the same training as all other law enforcement officers.

On August 24, 1990, the Department of Criminal Justice Training held its 200th Police Basic Training graduation. Also in 1990 the General Assembly approved the plan for the addition to the law enforcement complex for exclusive use as a facility for training law enforcement officers. Construction of the new addition started in February 1992, and was completed in 1993. During this same time period, a new firing range and driving range, the McKinney Skills Complex, was built.

In 1997, the DOCJT was designated by Governor Paul Patton to be the lead agency for the Kentucky Police Corps Program. Police Corps is a national effort to motivate young people to serve for four years as police officers on community patrol. Kentucky's focus is on rural and small police agencies gaining college-educated officers. Participants receive up to \$30,000 in college scholarships, as well as full salary and benefits during their four years of service. Nine students were selected in 1998 to receive the four year scholarships. In 2001 Police Corps graduated its first stand-alone class and continues to recruit students for future stand-alone classes.

In March 1998, the DOCJT was accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA), becoming only the second training facility in the United States to be accredited.

In July 1998, the Kentucky Law Enforcement Foundation Program Fund (KLEFPF) was restructured to include sheriffs and university police. Approximately 1,350 peace officers were added to the fund, which had increased the total number of peace officers to 5,600 by the end of 1998. As of October 2001, almost 6100 officers were included in KLEFPF fund, receiving \$3,100 for their annual training.

In October 1998, physical training standards were established for the Peace Officer Professional Standards (POPS) and Basic Training. A sixteen-week basic law enforcement curriculum was developed and approved for use in 1999 by the Kentucky Law Enforcement Council. In 1998 architectural plans were developed for an adjacent residence hall, physical skills training complex, armory, office space, and classrooms in a 138,000 square foot complex. Phase I of the project is scheduled to be completed in late spring of 2002.

Statewide LEN News

In the Spotlight with Chief Tom Kelley

The following interviews were conducted by Allison Harrison.



In 1963, current Ashland Police Department Chief Tom Kelley was looking for a job. Some of his friends were police officers and they encouraged him to join the police department. At that time Kentucky police officers were not required to attend recruit-level training, Kelley learned his duties through on-the-job training and through experience.

Mr. Kelley is married and has two adult children, a son who is a police officer and a daughter. Chief Kelley's department consists of forty-eight sworn officers and nine civilians.

What has been your biggest challenge as chief?

After being chief for approximately a year and a half, I have found that my biggest challenge is simply holding a good ship together. Keeping the continuity of the department is very important to me and to our agency. This has been especially significant lately because we have lost several officers through retirement and have hired some new officers. Getting them properly trained and certified, while keeping our focus, has been an important achievement.

What is your involvement in the evolution of police training in Kentucky?

When I started in police work in 1963, there were no statewide training requirements for officers in Kentucky. The impact of education and training through what is now known as the DOCJT has been huge. The work that was done in the late 1960s and early 1970s has made a tremendous impact and really laid the groundwork for the current training initiatives.

I was a member of Governor Louie Nunn's task force to study and determine the needs of peace officer training on a statewide level. I was also president of the local Fraternal Order of Police when Governor Wendell Ford signed the pay supplement legislation. I feel privileged to have been on the ground level of police training in Kentucky and to have had the opportunity to watch training expand into what it is today.

It is very important for not only law enforcement executives, but also all law enforcement personnel to be involved in statewide and local issues.

What steps have you taken to involve your department in the Ashland community?

We have worked very hard to get officers involved in our town. Each school in Ashland has an officer who is assigned to that particular school. We have two full-time D.A.R.E. officers and a School Safety Patrol Program. Getting officers involved at that level is very important because so many people have ties to our local schools. The students themselves obviously benefit; however, an added advantage is that parents, grandparents, and many of our citizens follow the school events. For instance, when we have an officer at a local sport-

"It's important for law enforcement to stay on top of technology. We'll always have crime, but we are approaching a new era of technological crimes and we must know how to deal with the technological side of crime."

Chief Tom Kelley

ing event, the students get to know the officer, the family sees the safety precautions that are being taken and the townspeople get to witness our officers in action.

How does your geographical location, being part of a tri-state area, affect your police department?

Being part of the "city of Tri-State," an area that includes approximately 300,000 people, has changed the way we police this area. The Tri-State Law Enforcement Council, consisting of chiefs, post commanders, federal agents, and prison representatives meet continually to pool their resources and share information. Because our geographical location puts us close to so many borders, all of the jurisdictions must have a good working relationship to keep this area a safe place to live. We developed an ALERT system that will broadcast information and helps us to investigate crimes that may involve individuals who cross the jurisdictional borders.

How has the use of technology improved the effectiveness of the Ashland Police Department?

We became very interested in utilizing the available technology and have found that using various communication tools helped the efficiency of our department. We are attempting to move toward being a "paper-less" office. We try to have laptop computers in every squad car and have offered extensive computer training to our staff. Our dispatch center changed to a new communication system. We also have a web site that we advertise to the community and use to post safety tips and other community-related information. Our web site is <http://www.law-enforcement.org/ashlandpd/>.

It's important for law enforcement to stay on top of technology. We'll always have crime, but we are approaching a new era of technological crimes and we must know how to deal with the technological side of crime.

I'm proud of Ashland's relatively low crime rating. I would like to attribute that to our department being proactive and acknowledging issues before they become serious problems.

In the Spotlight with Chief Ruben Gardner



Ruben Gardner, Chief of the Elizabethtown Police Department, began his career in police work at the age of 23. After working in the private industry for five years, Gardner became a police officer. He graduated from DOCJT's Basic Training Class #6 on April 3, 1970.

Gardner has served as the chairperson of the Greater Hardin County Narcotics Task Force since its beginning in 1995. He also serves on the Kentucky Law Enforcement Memorial Foundation Board, is vice chair of the regional Kentucky Association of Chiefs of Police, and formerly was a member of the Kentucky Law Enforcement Council.

"Training has transformed law enforcement more than anything else in my thirty-one years of service. The best thing a person in law enforcement can do is to continue education. It is impossible to have too much training."

Chief Ruben Gardner

What do you see as major accomplishments as chief of police in your region?

I am very proud of the Greater Hardin County Narcotics Task Force, which is a conglomeration of agencies whose mission is to control the infiltration of drugs in our area. The city of Elizabethtown is the grant manager and Elizabethtown P.D. is the lead agency in this endeavor. Participating agencies include Hardin County Sheriff's Department, Radcliff P.D., Bardstown P.D., Nelson County Sheriff's Department, Grayson County Sheriff's Department, Kentucky State Police, Vine Grove P.D., and West Point P.D. Fort Knox also provides a person on the committee. This is one of the few task forces that have military involvement, in that Fort Knox serves as a source and provides input. We also recently linked our group to the Drug Enforcement Administration.

Not only did this task force provide a needed service to our area, it was a good chance for individuals from different departments in our region to work together and see each other's strengths. Law enforcement agencies have a responsibility to find a way to work together.

I am also proud of the specialized training that our officers have been able to receive. We have officers that have specialized training in fields such as accident reconstruction. We have also added some computers, which has helped with investigations.

Are there any current issues you would like to comment on?

When I became chief and witnessed the problem of attrition, Elizabethtown P.D. developed an employment contract, which was originally a three-year contract, but has since been shortened to two years. We were the first agency in the state to use such a contract. Employment contracts assure our department that we are going to have the officer long enough to return our investment on training. A by-product of that is the longer an officer stays with our department, the more involved he or she becomes in our community. When officers have a deeper community involvement, they are less likely to leave.

How has policing changed?

Training has transformed law enforcement more than anything else in my thirty-one years of service. The best thing a person in law enforcement can do is to continue education. It is impossible to have too much training. Not only does it make you a better executive, at some point I believe agencies will continue with the growing trend of requiring college hours or a degree for law enforcement personnel. Eastern Kentucky University has made an enormous contribution to police work and training. Their College of Justice and Safety is highly praised and I am proud to be a part of their program.

Statewide LEN News

In the Spotlight with Chief Allen Love



Allen Love began his career in law enforcement in May 1984 with the Richmond Police Department. He became chief of Versailles Police Department in November 1993.

Presently Chief Love serves as the first vice president of the Kentucky Association of Chiefs of Police. As a part of his duties with the KACP, he serves on the legislative committee, the chairman of the Special Olympics committee, chairman of the conference committee and represents the Association on a committee to develop guidelines for reporting and investigating incidents of racial profiling. Love is also an active member of Eastern Kentucky University's College of Justice and Safety's Alumni Association Board, and the DOCJT's Professional Development and Job Task Analysis Committees. Love is a graduate of the 203rd session of the FBI National Academy.

Chief Love also serves on several local initiatives including: the Cleveland Home foundation board, Optimist Club, United Way of Woodford County, Gang Resistance Education and Training board, the Community Accident Prevention Program and the Cops for Kids board.

"Police executives must work hard to insure that racial profiling does not exist in our departments. We must train our supervisors and officers that racial profiling is not an acceptable police practice."

Chief Allen Love

What do you see as major accomplishments as a chief of police in Versailles?

Accreditation through the Kentucky Association of Chief of Police was a big step for our department. The work involved in achieving this accreditation helped us learn a lot about the Versailles Police Department. We have also established a School Resource Officer Program, as well as implemented a computerized dispatch and records management system. Another initiative that we brought to the forefront was the development and implementation of a formalized procedure for investigating officer complaints of misconduct. The department has also implemented a Citizens Police Academy. The department has completed four classes, which over 50 citizens in the community have attended.

How would you describe the duties of being a chief in a small town?

I believe that being a chief in a small town requires an individual to wear many different hats. A chief in a larger department has the personnel to accomplish many tasks, where in a small department the chief must accomplish the same things without the staff support. I also believe that being a chief in a small town affords you the opportunity to become closer to the community than in a larger town.

Do you have any special projects or new responsibilities that you would like to share with your Kentucky criminal justice peers?

We are presently planning construction of a firing range, driving track, and a new police headquarters. We have also established a communication protocol with local prosecutors, which allow 24-hour access. We are in the final phases of the implementation of a mobile data computer network for our police vehicles.

What aspect of your life helped to shape your career as a law enforcement executive?

My work experiences have contributed greatly to shape my career as a law enforcement executive. While I was with the Richmond P.D. I was involved in many aspects of the department including communications, investigations, supervision, and administration. I experienced a lot in a short period of time.

I have seen examples of vision and leadership that have encouraged me and I have also seen examples of mistakes made that I was determined to avoid. I believe my father helped to shape me as well; he was always involved in the community and believed that everyone should be treated fairly, with respect, and dignity. These are values that I believe in and think that you must do to be successful in anything you attempt in life.

Are there any current issues / events you would like to comment on?

Police executives must work hard to ensure that racial profiling does not exist in our departments. We must train our supervisors and officers that racial profiling is not an acceptable police practice. I also believe that leading by example and being a model to our employees can accomplish this. Peace officers must work with our communities to break down the perception that police practice racial profiling.

Law enforcement executives must work hard and take the initiative to complete training that would assist them in becoming a better police executive. Law enforcement leaders must also work with their community and listen to the people in order to become an active part of their population.

Newly Appointed US Attorneys



Nominated by President Bush on August 3, 2001, Greg Van Tatenhove was confirmed by the United States Senate as United States Attorney for the Eastern District of Kentucky on September 15, 2001. Prior

to his confirmation, Mr. Van Tatenhove served for over seven years as Chief of Staff and Legal Counsel to United States Representative Ron Lewis.

A 1982 graduate of Asbury College, Greg received his J.D. from the University of Kentucky College of Law in 1989, where he was selected to serve as an Articles Editor for the Kentucky Law Journal. Upon graduation, he spent a one-year term as a law clerk in the chambers of the Honorable Eugene E. Siler, Jr., then the Chief Judge of the United States District Court for the Eastern District of Kentucky, and now a Judge for the United States Court of Appeals for the Sixth Circuit.

After his clerkship, Mr. Van Tatenhove was hired as a Trial Attorney under the Attorney General's Honors Program at the United States Department of Justice. He spent nearly four years in the Federal Programs Branch of the Civil Division litigating cases on behalf of the government in Federal courts throughout the nation. His Capitol Hill experience also includes almost two years as a Legislative Assistant to U.S. Senator Mitch McConnell.

Greg and his wife, Jane, are the parents of two children, Cooper, age seven, and Catherine, three years.

What are the priorities of the U.S. Attorney's Office?

Nothing is a greater priority for us right now than coordinating Federal anti-terrorism efforts in the Eastern District. It's simply a mistake to assume that any community in America is immune from terrorism. We have established an Anti-Terrorism Task Force to help ensure good communication among all law enforcement jurisdictions. We also hope to use additional resources provided by Congress to educate and train local law enforcement about the dangers we are facing.

Through Project Safe Neighborhoods, we will continue our efforts to address gun violence in our communities. We are going to aggressively enforce the gun laws on the books to protect the rights of the vast majority of Kentuckians that own and use firearms responsibly.

We are also going to continue the war on drugs. It's certainly not over. We need to continue to partner with state and local law enforcement agencies to better leverage Federal resources. For example, our office was one of the first in the nation to identify the emerging problem of Oxycontin abuse. By partnering with state and local law enforcement agencies and prosecutors, we can be even more effective in addressing this problem.

How have those priorities changed since the September 11th attacks?

As I prepared to take this position, I met with the Attorney General before September 11th. I don't recall that the topic of terrorism was discussed. History teaches us that the world can be an unpredictable and dangerous place and that a single event can force us to refocus our resolve or energy. That has certainly been true for our office since September 11th.

Describe the importance of your office coordinating and partnering with local law enforcement offices. Any specific plans on how to elicit better communication between local, state and federal offices?

Every U.S. Attorney's Office in the country has a Law Enforcement Committee Coordinator (LECC). That fact alone illustrates the importance the Department of Justice puts on coordination with local law enforcement. In the Eastern District, Danny Smith is our LECC. I have yet to walk into a law enforcement meeting where Danny is a stranger. That doesn't happen by accident. It happens because the U.S. Attorney makes the work of the LECC a priority and then that person, in this case Danny, works every day, in big ways and small, on outreach. We are going to continue to work hard to make this part of our job a priority. That means we need to be the first stop for our colleagues when it comes to information about Federal programs and resources. But it also means that we need to continue to be good listeners.



Steven B. Pence

President Bush appointed Stephen B. Pence as United States Attorney for the Western District of Kentucky. His appointment was confirmed September 24, 2001. The United States Attorney is the legal representative of the United States Government for both criminal prosecutions and civil litigation and the spokesperson for the United States Department of Justice regarding federal law enforcement and civil litigation activities that occur in the Western District of Kentucky.

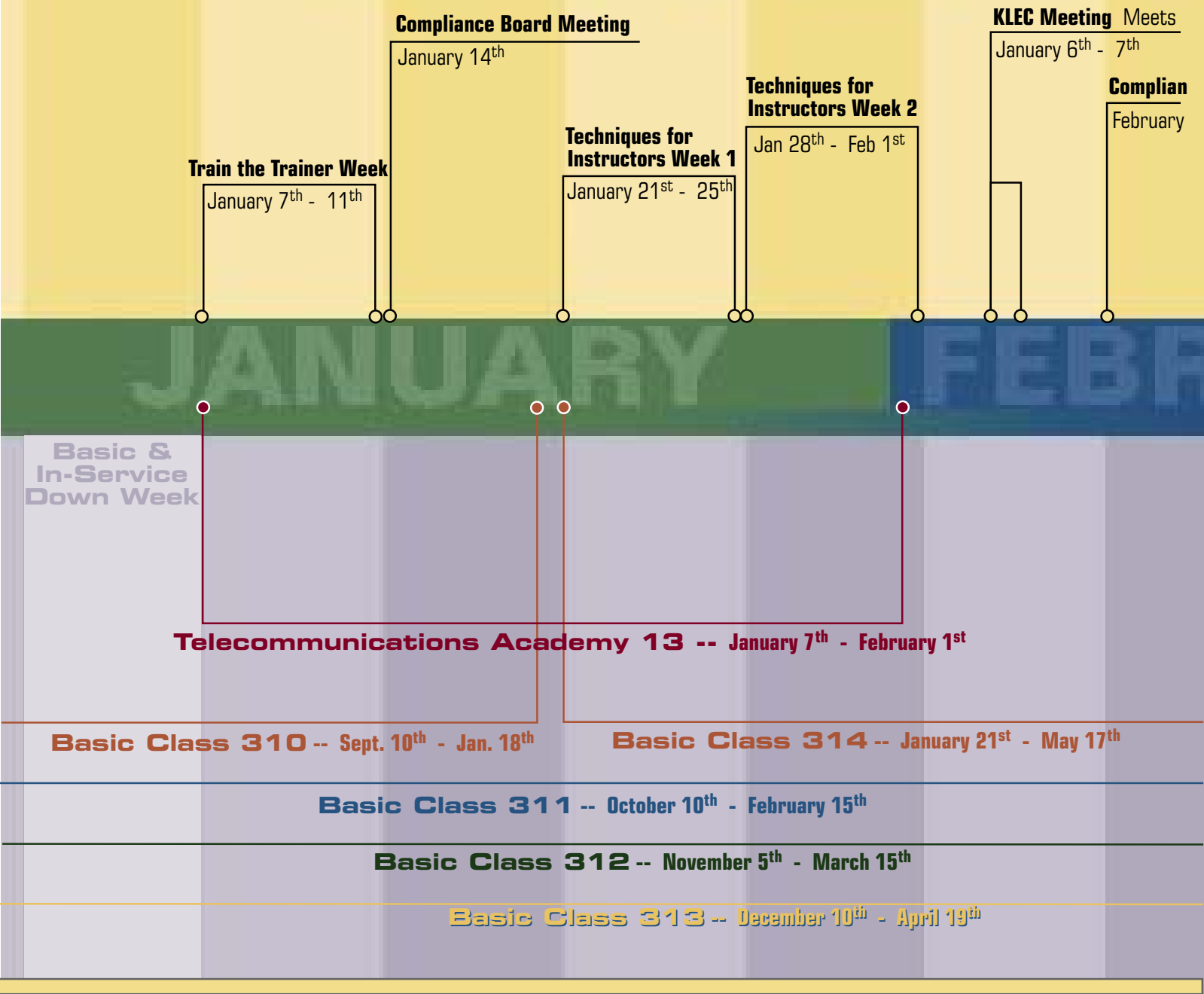
Prior to his becoming United States Attorney, Mr. Pence was a partner in the Louisville law firm of Pedley, Zielke, Gordinier, and Pence. During the period 1990 to 1995, Mr. Pence served as the First

Assistant United States Attorney for the Western District of Kentucky. From 1981 to 1982, Mr. Pence was an Assistant Attorney General for the Commonwealth of Kentucky. Pence was a Lieutenant Colonel in the United States Army Reserve JAG Corps and was on active duty with the Army JAG from 1982 to 1987. In 1995, Mr. Pence received the Kentucky Bar Association's "Outstanding Lawyer" award.

As United States Attorney, Pence supervises a staff of 31 lawyers, who serve as Assistant United States Attorneys, and a support staff of 39 people.

Pence is a 1981 graduate of the University of Kentucky College of Law, receiving his Bachelor of Science and MBA degrees from Eastern Kentucky University. Mr. Pence and his wife, Ruth Ann Cox, an attorney in private practice, live in Louisville with their five children.

CALENDAR



NDAR

at Barren River

nce Board Meeting

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CJED Class IV

Session 2 (Richmond)

February 18th - 22nd

KWLEN Network Meeting

February 19th

Compliance Board Meeting

March 11th

Ky Police Association

March 12th

CJED Class IV

Session 3 (Richmond)

March 18th - 22nd

FEBRUARY

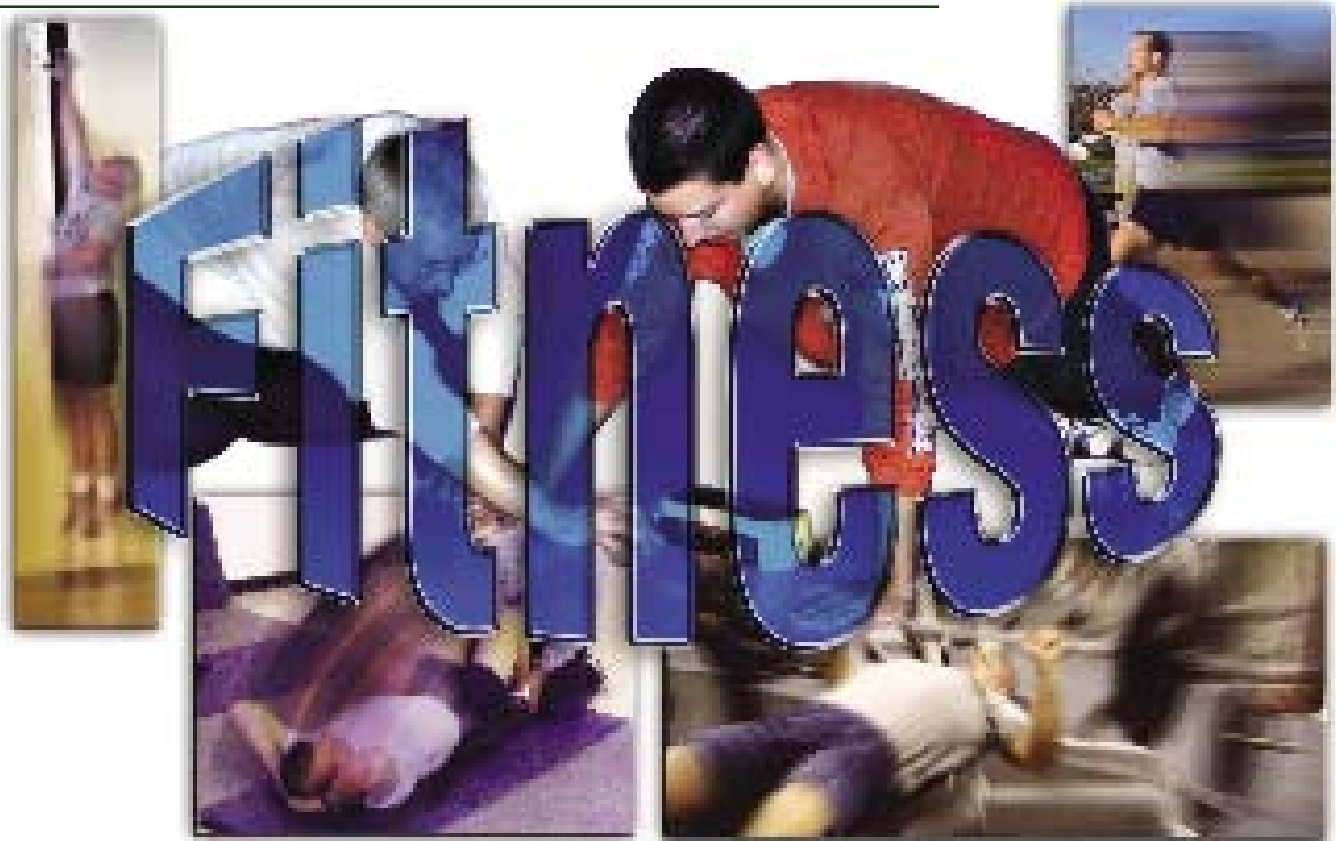
MARCH

Basic
Down Week

Basic Class 315 -- February 18th - June 21st

**Basic Class 316 --
March 25th - July 26th**

General Assembly in Session



Physical Tests Eliminating Many Applicants

*Mike Baggett
Messenger-Inquirer*

So you want to be a police officer? Better be in shape. About 25 percent of all applicants at the Owensboro Police Department are turned away because they can't pass the fitness test. Items on the fitness test are minimum requirements to receive training at one of the state's police academies. The test consists of the bench press, sit-ups, push-ups, a vertical jump, a 300-meter sprint and a 1.5-mile run.

A person who fails to pass one exercise fails the entire fitness test, said OPD Officer Michael A. Walker, one of the local test administrators. "The cardio really gets them, primarily the (1.5-mile) run," Walker said. "But push-ups and sit-ups eliminate a considerable amount."

So why is it a person aspiring to be a police officer can't pass a fitness test? "I think it's tough for them because a lot haven't performed physically since they've been out of high school and go on to college and get out of the habit of working out," said OPD Sgt. Terry Gabbert. "I think this test is a shock to a lot of them. When we place advertisements for job openings, we list requirements of what they need to do to perform the test. Oftentimes they have three to four months to prepare."

Walker said most of the applicants at OPD are in their mid-20s to early 30s. While many applicants who fail the test are out of shape, half of those who fail do so because they can't perform an exercise properly. Two protocol violations in one exercise eliminate the candidate.

"Although the average person may do exercises routinely, they may not be performing the exercise properly," Walker said. "Others just don't prepare for it. This test taxes the body for 109 minutes, and you better be in decent shape."

Applicants must be able to jump 16 inches higher than they can reach, bench press 64 percent of their body weight, complete 18 sit-ups in a minute and 20 push-ups.

Applicants must also be able to sprint 300 meters in 65 seconds and run 1.5 miles in 17 minutes, 12 seconds. Each test comes with a fair amount of rest between exercises.

About 15 applicants take the exam during a standard testing day. Struggling during the 1.5-mile run is a common scene. "Some toss their cookies and go on to complete the academy," Walker said. "Some applicants quit in the middle of the 1.5-mile run, sit-ups and push-ups because they know they can't make the requirements," Walker said. "People who physically can't perform the test are usually extremely upset with themselves," Walker said. "Some of them get in better shape and take the test again."

Those who fail because of a protocol violation get upset with the test itself. "They're very disappointed at the system and want another chance to do it, but they have to wait 30 days before they can take the test again."

So why is a fitness test so important to becoming a police officer? The bench press and push-ups test a person's strength that's needed during a scuffle, while the vertical jump is used to measure whether an applicant will be able to jump fences while in a foot pursuit.

Sprinting speed is used to find out how an applicant would hold out in a fast foot pursuit, while the 1.5-mile run tests stamina. "You've got to be able to get your jets up," Walker said.

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DOCJT Explains Fitness Standards

Frank Kubala, Supervisor, Physical Training Section

In May 1998, the Department of Criminal Justice Training contracted Dr. Tom Collingwood of Fitness Intervention Technology to develop and validate physical fitness standards for the position of peace officer in Kentucky. A battery of physical fitness tests was identified which encompassed eight areas that predict successful performance of job-related physical tasks. These job tasks were identified in the 1997 Job Task Analysis for non-ranking patrol-level law enforcement officers conducted by the Department of Criminal Justice Training.

From May to August 1998, DOCJT personnel tested a stratified, random sample of 192 incumbent officers from across the state. These officers were selected by their agency heads and completed the battery of tests and three job-related scenarios. Dr. Collingwood analyzed the test data to determine the relationship and predictability of the various physical fitness factors for the performance of the critical task. The analysis yielded data that is the basis for the physical fitness test battery utilized as a part of the pre-selection screening for certification, as well as the entry and exit standards for Basic Training.

The entry and exit tests for Basic Training were implemented with Class 273 in January 1999. There is a battery of six tests given. Each test is to be given with a specific protocol, in a specific order, with a prescribed waiting period between each test. The list of tests in the proper order are:

Test	Entry Level	Exit Level
Vertical Jump	16 inches	17 inches
1 RM Bench Press	64% of body weight	73% of body weight
1 Minute Sit-up	18	18
300 Meter Run	65 seconds	65 seconds
Maximum Push-ups	20	25
1.5 Mile Run	17:12	16:15

Each one of these tests measures a specific fitness component and relates to specific job tasks that are performed by peace officers in the state of Kentucky.

- The vertical jump measures leg explosive strength or power and is important for performing many tasks such as jumping over obstacles and running up and down stairs in pursuit situations.
- The bench press measures upper body absolute strength, which is important for performing physical tasks that require lifting, carrying, and pushing.
- The 1-minute sit-up test is a measurement of trunk or abdominal muscular endurance. Your abdomen is the fulcrum of your body and is important in many tasks involving lifting, pulling, and dragging.
- The 300-meter sprint measures anaerobic power. This is an important area for performing job tasks such as short sprint pursuit situations.
- The maximum push-up test is a measurement of upper body muscular endurance. This is important for many use-of-force job tasks.
- The 1.5-mile run is a measurement of aerobic power. It is an important area for performing job tasks such as making foot pursuits and long-term use of force situations.

The combination of all six of these tests measures all the energy systems of the human body. The analysis of this test is that a peace officer should have all-around fitness. A person desiring to be an officer should take this test very seriously and begin training immediately.

Help is available at any time through the Physical Training Section at the Department of Criminal Justice Training. It is the goal of this section to help all potential or actual peace officers achieve their goal of passing this academy.

Beat News

STATEWIDE

Homeland Security



Ray A. Nelson

Ray A. Nelson was recently appointed as the Executive Director of the Office for Security Coordination for the state of Kentucky. Governor Paul Patton and the Adjutant General, Brigadier General D. Allen Youngman made the appointment. Colonel (Ret) Nelson was commissioned a Second Lieutenant in the infantry and is a Distinguished Military Graduate from the ROTC program at Iowa State University in November 1973. He also holds a Masters Degree in Business Administration from Webster University, and is a graduate of the Infantry Officer Basic and Advanced Courses, the U.S. Army Command and General Staff College, and the U.S. Army War College.

Nelson's past unit assignments include command and leadership assignments from platoon through Brigade level in the following units: the 1st Battalion, 2nd Infantry Regiment, 9th Infantry Division, Fort Lewis Washington; 1st Bn 87th Infantry Regiment, 8th Infantry Division, Baumholder Germany; the 229th Attack Helicopter Battalion, 101st Airborne Division, Fort Campbell Kentucky; the 160th Aviation Battalion (Task Force 160), 1st Special Operations Command, Fort Campbell Kentucky; the 160th Special Operations Aviation Regiment (Airborne), U.S. Army Special Operations Command, Fort Campbell Kentucky; 7th Battalion, 1st Aviation Regiment, 3rd Infantry Division, Ansbach Germany; Chief, Joint Military Commission, Multinational Division North, Stabilization Forces, Bosnia-Herzegovina and Commander, 63rd Aviation Group, KYARNG, Frankfurt, Kentucky.

Nelson, a native of Cedar Rapids, Iowa; is married to the former Ruth Ann Thompson of Owensboro, Kentucky. They have four sons: Adam, Aaron, Jeff, and Matthew.

What is the specific purpose of Kentucky's Homeland Security Team?

The Adjutant General and the Office for Security Coordination have been given the task by Governor Patton to act as the single point of contact in developing and coordinating a comprehensive strategic plan for preserving the safety and security of the citizens of Kentucky. This includes mechanisms for detecting, preparing for, preventing, responding to, and recovering from terror attacks within the Commonwealth.

Will there be any coordination with the federal office of Homeland Security?

Governor Patton routinely receives information from Tom Ridge, Director of Homeland Security for President Bush. In addition, Brigadier General D. Allen Youngman, Adjutant General for Kentucky, has been named the single point of contact with the federal office of Homeland Security.

How did this group form?

For years, the Division of Emergency Management and the Ken-

tucky National Guard have been the vanguard in coordinating state government response to civil disturbances and natural disasters. The bussing riots of the '70s, the flood of '97, and even this year's forest fires are examples of state government taking action to protect people, assets, and facilities in Kentucky.

In the wake of September 11th, Governor Patton formed a security group that would address the specific threats by terrorist groups acting against the interests of our nation. The Department of Military Affairs, headed by the Adjutant General, was tasked with carrying out the Homeland Defense Program. In turn, the Office for Security Coordination was created to bring together strategies and act as a liaison with Congress, the state legislature, the National Guard Bureau, and other agencies to fight the war against terror. Each state cabinet and department will remain accountable within their areas of responsibility and the new office for security coordination will serve as an interagency coordinating element for terrorism issues.

What are the most pressing issues for the Commonwealth's security?

Preparing state and local government agencies to deal with unconventional and - for many people - inconceivable threats such as cyber attacks, bio-terrorism, chemical weapons of mass destruction, sabotage, and other attacks against our state. Such preparation includes asking all entities to conduct vulnerability assessments and taking an active role in planning, training and response.

One challenge for the people of Kentucky is to recognize that this is not a short-term task. The very nature of terrorist threats ensures they will exist even when they are no longer front-page news. Above all else, the Governor is committed toward maintaining the safety and security of the citizens of the Commonwealth while preserving the freedom and liberties that define what it means to be Americans.

How do you plan to coordinate these security initiatives with local law enforcement?

As a member of Governor Patton's security working group, the Kentucky State Police has taken the lead in working with local law enforcement agencies in disseminating vital information. Other close partners include the regional offices of the FBI, DEA, ATF, U.S. Marshals, and the U.S. Attorney's office.

Such cooperation is not new to state government. For example, in the fight against illegal drug trafficking, Kentucky has played an integral role with the High Intensity Drug Trafficking Area Group, working with law enforcement agencies across the board with great success. Our effort is now focused on another, more direct threat to the security and welfare of our citizens.

When asked about biological and chemical weapons, most law enforcement agencies responded that they are not properly equipped or trained to effectively deal with these types of situations. Will your office provide or support training on the proper actions to take?

Indeed, the Governor's strategic plan will include guidance on training and equipment with emphasis on "First Responders". We recognize that this is an evolutionary process in which issues such as federal funding, performance measurement and accountability must be addressed.

Most States Tackling Their Own Homeland Security

Tom Kenworthy, USA Today

For state governments, homeland security is turning into a growth industry. Ten weeks after the coordinated terror attacks on the World Trade Center and the Pentagon, about seventy-five percent of the nation's states have named security directors or created task forces to help prevent and deal with terrorism. Like their federal counterpart, Homeland Security Director Tom Ridge, at least three dozen states are struggling with issues ranging from clear lines of authority to funding.

"The problem with domestic preparedness is you have to cut across jurisdictions and across professions," said Juliette Kayyem, a Harvard University specialist on counterterrorism and domestic preparedness. "Most governors and mayors have never dealt with anything like this before."

Many states are building on existing emergency preparedness offices and plans, as well as enlisting people with counterterrorism credentials. Kayyem and other experts say the push to create state homeland security initiatives, with particular emphasis on inter-agency coordination and planning, is an important step.

"State and local officials are the first protectors and will be the first to respond when an incident occurs," said John Thomasian, who heads the National Governors Association's Center for Best Practices.

A growing number of states have created offices or coordinators for homeland security. They include: Alabama, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming.

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Disaster Mortuary Operational Response Teams

Jacinta Feldman Manning, Public Information Officer, Commissioner's Office

Taylor County Coroner Terry Dabney has done this type of work before. But, this time it's different. The difference, Dabney said, is the "enormity" of this tragedy.

Dabney, who is the Taylor County Coroner, was one of three Kentuckians who described their contributions to the effort to retrieve and identify the remains of the people who were killed in New York and Washington D.C. on September 11. Dabney and Emily Craig, who is a forensic anthropologist with the state's Medical Examiner's Office, were part of local Disaster Mortuary Operational Response Teams (DMORTs) who traveled to New York. DMORTs are groups of volunteers who provide mortuary assistance to local authorities in the case of mass fatalities.

"Our job is to help the medical examiner to do his job in helping identify and return the bodies of those who were lost in the terrorists events," Dabney said.



Terry Dabney



Emily Craig

The work was similar to what they do every day, Craig said, but on a much grander scale that was emotionally difficult. She said while she identified remains, she used "the hands and eyes of a scientist," so emotions wouldn't cloud her work. But when the work was done, Craig said she was "every wife, mother, sister, and daughter of every victim."

While Dabney and Craig worked in New York, Col. Eric Berg, MD, was in Washington D.C. doing similar work at the Pentagon. Col. Berg is the Chief of Anatomic Pathology Service at Blanchfield Army Community Hospital. He also serves as a Regional Medical Examiner for the Office of the Armed Forces Medical Examiner (OAFME).

OAFME handles investigations when deaths happen in areas of exclusive federal jurisdiction.

Berg said one of the most difficult parts of his job was seeing people's personal things, like the rows of wrist watches all stopped at the same time - 9:40 a.m. "They put a face on the tragedy more than anything I did as a pathologist," Col. Berg said. Berg said he left for Washington D.C. with fear and trepidation. The night before he left, he told his wife he was scared of what he was going to see. But, what he saw were people working together in the face of adversity.

In New York, Dabney and Craig were seeing the same thing - a city unified. "As tragic as this event is, I think it's wonderful that we can see some positive things," Dabney said.

Arson Investigation Training Conference

Susan Marie Streible

Assistant Commonwealth Attorney, 46th Judicial Circuit

The Center for Rural Development in Somerset, Kentucky was the setting for the Second Annual Arson/Fire Investigation Training Program. The theme of this year's conference, held September 24-28, was Fatal Fire Homicide Investigations. Alex Wesley, Arson/Fire Investigator for the Somerset Fire Department, developed the training's concept.

The program is designed to bring together representatives of the various public and private agencies responsible for investigating and, when appropriate, prosecuting suspicious fires which result in the loss of property and life. The purpose of this event is to educate professionals in the field of arson/fire investigation in the latest technology and legal trends, while simultaneously providing those persons an opportunity to network and communicate with a broad range of colleagues experienced in this unique investigative specialty.

Attendance at this year's program, though adversely affected by the calamity of September 11th, was nearly double that of the inaugural conference held in May of 2000. Included among the participants were the Kentucky State Police Arson Investigators, fire investigators representing numerous insurance companies, arson/fire investigators from counties and municipalities throughout the Commonwealth as well as their counterparts from locales as far away as Utah and Canada. The faculty for the five-day program included nationally known arson/fire investigator Dave Campbell (retired from the North Carolina Bureau of Investigations) as well as Gary Haun, Jr. CFI, CFEI, IAAI Instructor, Thomas Eaton (Forensic Electrical Engineer), Special Agent Jim Hoskins of the US Division of Forestry/Wildland Fire Investigation, and Dr. Greg Davis from the Office of the Chief Medical Examiner for the Commonwealth of Kentucky; Eddie Montgomery, Pulaski County Commonwealth Attorney and Hon. Warren Keller from the law firm of Taylor, Keller and Dunaway out of London, Kentucky shared responsibility for directing the courtroom exercises.

As one might expect, much of the planned program had to be adjusted to accommodate the response to the terrorism in New York and the District of Columbia. At literally the last moment, Dr. Emily Craig, a renowned anthropologist scheduled to present an overview of forensic fieldwork to identify fire victims, was deployed to assist with the recovery efforts along with ATF Profiler, Ron Tunkel. Representatives from the United States Bureau of Alcohol, Tobacco and Firearms who had been slated to provide explosives demonstrations were also unavailable due to the

demands of the national investigation. In spite of such unavoidable modifications, the conference provided a full schedule of informative and topical material, which included on-site training in the identification of pattern evidence at a "live fire" demonstration provided by the Somerset Fire Department; an intensive courtroom exercise designed to prepare arson/fire investigators for rigorous cross-examination in both criminal and civil court settings; presentations regarding the resources available through the Kentucky State Police Crime Lab and the Office of the Chief Medical Examiner; lecture/discussion sessions on topics ranging from managing fire scenes at clandestine drug laboratories; gang violence and fire investigation; spoliation of evidence; wildland fire investigation; challenges to expert testimony; and a demonstration by Alex Wesley and his partner Shadow on the use of accelerant detection canines at fire scenes.

Chief Justice Joseph Lambert of the Kentucky Supreme Court provided a moving commentary on the correlation between the events in New York and the District of Columbia, and the professional responsibility borne by the faculty and participants in the Fatal Fire Homicide Conference. Justice Lambert acknowledged that the task faced by the responders in the northeast is one in which, on a smaller scale, is faced every day by the fire suppression and investigative personnel in attendance at the conference. The message he delivered conveyed that the spirit of the United States is best expressed when, in spite of reasonable fear and terrible loss, each citizen returns to the business of life, particularly those citizens who, in service to the larger public, are charged with the duty to protect and preserve the peace and dignity of the community.

The conference is accredited for college hours, in-service training for certain state agencies, and for credit toward training to become a certified fire investigator. Planning for the 2002 program, to be held September 23 - 27, is underway and persons or agencies interested in participating are welcome to contact Alex Wesley at City of Somerset Fire Department, 121 South Central Avenue, Somerset KY 42501, (606) 679-1163.

In addition to Dr. Emily Craig and Ron Tunkel, next year's faculty will include Mike Maze from the Massachusetts State Police Division of Fire and Explosives Investigations conducting training on interviews in Arson/Fire Investigations. The conference organizers hope to substantially increase the participation of state and federal prosecutors in the program as well as state fire marshals and other state and federal agencies allied to the investigation of arson/fire.

Making A Difference

EKU College of Justice and Safety Honors Recipients of the Truett A. Ricks Award

The Truett A. Ricks Award, an annual award that recognizes outstanding contributions to justice and safety in Kentucky, was recently established by ECU's College of Justice and Safety.

Mr. Ricks taught in the College of Law Enforcement from 1971-1997. Before coming to ECU, he was a Memphis, Tennessee police officer. While in Memphis, he also earned bachelor's and master's degrees in business, later attaining his Ph.D. at Florida State University. He became Associate Dean in 1973 and served as Dean of the College from 1983-1997. Mr. Ricks took a leave of absence from the College from 1975-77, during which time he served as Commissioner of the Kentucky State Police.

Mr. Ricks earned several honors during his time at ECU, including Outstanding Criminal Justice Educator from the Southern Criminal Justice Association and the Melvin Shein Award from the Kentucky Law Enforcement Council.

The first two recipients of the award, Robert F. Stephens of Lexington and Lewis Babb of Berea, were recognized at the annual Alumni Awards Banquet during ECU's homecoming festivities.

Robert Stephens, appointed to the Kentucky Supreme Court in 1979, served as chief justice from 1982-1998. His 16 continuous years as chief justice are the longest in the history of the Commonwealth. In 1999, Stephens was named secretary of the Kentucky Justice Cabinet. As secretary, he oversees the daily operation of the various departments and divisions within the Cabinet.

Lewis Babb served the Commonwealth's justice and safety community for 43 years, beginning with the Kentucky State Police, and then as an inspector of court security with the Administrative Office of the Courts. Babb served as director of KSP's Division of Criminal Justice Investigation from 1975-1979, reaching the highest rank in the division, lieutenant colonel.



Photo (l-r): Dean Gary Cordner, Lewis Babb, Robert Stephens, Truett Ricks

"The first two recipients of the Ricks Award set a very high standard," said Gary Cordner, dean of ECU's College of Justice and

Safety. "Obviously, Robert Stephens has distinguished himself in two of the highest offices in the Commonwealth, and he has always stood up for the underdog and spoken up on behalf of justice for all Kentuckians. Lewis Babb had an outstanding career with the Kentucky State Police, earned three degrees from ECU, and was one of the original architects of Eastern's law enforcement programs. I couldn't be more pleased at how well these two award recipients reflect the career and ideals of Truett Ricks."

Woman is first to join Louisville's SWAT Team

Angela Manion stood in formation among more than a dozen male officers, their guns drawn and wearing bullet-resistant vests, preparing for their next drill during a daylong practice session. Manion, the first woman to join the Louisville police SWAT team, took part Tuesday in her first day of training.

"I don't feel out of place" on the team, said Manion, 28, who has been with the police department for nearly five years. Manion's voice could be heard among her male counterparts yelling, "Police, search warrant" again and again as they climbed stairwells and combed through rooms.

"I'm trying to learn everything and trying not to mess up too much," Manion said. She said she was drawn to the Special Weapons and Tactics team by the specialized training and out-of-the-ordinary assignments. The team is called to hostage and other high-risk situations. To become a member of the unit, officers must have served three years on the force and met physical and other requirements, said Maj. Donald Burbrink, commander of the SWAT team.

The physical requirements included doing 50 push-ups and three pull-ups, bench-pressing 75 percent of the officer's body weight 10 times, completing 30 sit-ups in a minute, jumping rope for two minutes and running 1.5 miles in less than 12 minutes.

There also is a written exercise, oral interview and firearm drills, including one that requires the officer to run a quarter-mile in full gear and then shoot at three targets.

"She did everything (the men) did," Burbrink said. Two other women who tried out for the team were not in the top 12, which was the number of openings, he said. Female officers have tried out in the past but didn't meet qualifications or the required years of service, he said.

Jefferson County Police also has a female member on its SWAT team, who joined the group about two years ago, said spokeswoman Stacey Redmon. Manion, now part of the 30-member unit, said she doesn't like being singled out. "It's a team effort," she said.

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Top Impaired-Driving Enforcement Officers and Agencies Honored

Law enforcement officers and agencies from across the state received awards for outstanding achievement in the enforcement of impaired-driving laws. The 2001 Governor's Impaired Driving Enforcement Awards Ceremony was conducted December 12th at the Hyatt Regency Hotel in Lexington.

Ms. Millie Webb, National President of Mothers Against Drunk Driving (MADD), was the featured speaker at the awards ceremony.

Kentucky State Police Commissioner Ishmon F. Burks and Terrence Parker, Regional Program Manager, National Highway Traffic Safety Administration, presented awards to 192 law enforcement officers for extraordinary efforts in reducing impaired driving. Awards were also presented to 16 law enforcement agencies for outstanding achievements in addressing this issue.

The award recipients are collectively responsible for at least 36,774 impaired-driving arrests over the past year.

Division I (1-10 Sworn Officers)

- 1st Place - Grayson Police Department - 222 arrests
- 2nd Place - Graves County S.O. - 191 arrests
- 3rd Place - Bell County S.O. - 134 arrests
- Patrolman Bobby Hall - Grayson Police Department - 112 arrests

Division II - (11-25 Sworn Officers)

- 1st Place - Oak Grove Police Department - 324 arrests
- 2nd Place - Pikeville Police Department - 314 arrests
- 3rd Place - Shepherdsville Police Department - 290 arrests
- Officer Brent Dawson - Shepherdsville Police Department - 271 arrests

Division III - (26-50 Sworn Officers)

- 1st Place - Nicholasville Police Department - 496 arrests
- 2nd Place - Richmond Police Department - 331 arrests
- 3rd Place - Jeffersontown Police Department - 275 arrests
- Officer Jerry L. Perkins - Nicholasville Police Department - 89 arrests

Division IV - (51-150 Sworn Officers)

- 1st Place - Owensboro Police Department - 652 arrests
- 2nd Place - Bowling Green Police Department - 608 arrests
- 3rd Place - City of Covington Police Department - 601 arrests
- Brian Valenti, City of Covington Police Department - 203 arrests

Division V - (Over 150 Sworn Officers)

- 1st Place - Jefferson County Police Department - 3,063 arrests
- 2nd Place - Lexington Division of Police - 2,026 arrests
- 3rd Place - Louisville Police Department - 1,879 arrests
- Officer Cody Chapelle, Louisville Police Department - 174 arrests

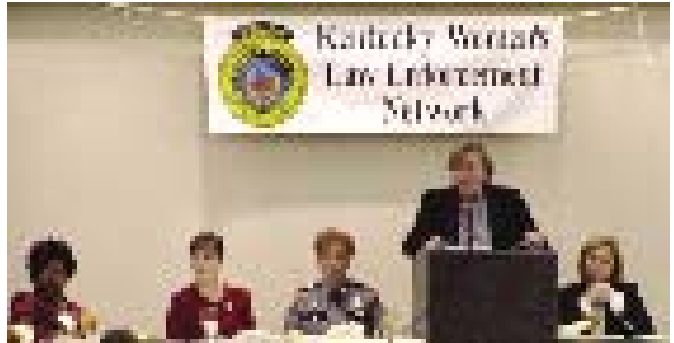
Division VI - (Kentucky State Police Posts)

- 1st Place - Kentucky State Police Post 9 - 1,376 arrests
- 2nd Place - Kentucky State Police Post 11 - 1,207 arrests
- 3rd Place - Kentucky State Police Post 4 - 878 arrests
- Trooper Shawn Podunavac, Kentucky State Police Post 14 - 156 arrests

Annual Conference

Kentucky Women's Law Enforcement Network

Jacinta Feldman Manning, Public Information Officer
Commissioner's Office



More than 125 participants gathered at the Seelbach Hilton Hotel in Louisville Nov. 14-16 for the Annual Kentucky Women's Law Enforcement Network Conference.

"I love it," Mary Martins, chief of detectives at the Hopkinsville Police Department, said about the organization. "I've been in law enforcement for 17 years, and it is something that has been a long time coming."

For the first time, the Department of Criminal Justice Training, along with the Regional Community Policing Institute, offered in-service training during the conference. Participants received 16 hours of in-service training for Leading for Change, a training curriculum that focuses on how law enforcement professionals can most effectively implement change in their agencies. Leading for Change is certified by the Kentucky Law Enforcement Council.

This year's conference also marked the first time the organization presented the KWLEN Contributions to Law Enforcement Awards. The distinction was given to eight individuals who provide outstanding leadership and visionary contributions to the law enforcement profession; have significantly contributed to women in Kentucky law enforcement by their actions, activities or achievements; or who have provided positive role models for the organization's members and all women in law enforcement throughout the state.

The 2001 recipients of the award are Patricia Aldridge of the Regional Community Policing Institute and the Kentucky Association of Chiefs of Police; Jo Carole Dickson, the director of Institutional Advancement at Jefferson Community College and Executive Director of the Jefferson Community College Educational Foundation; Col. Linda Mayberry, Deputy Commissioner of the Kentucky State Police; Cpl. Lisa McAlary of the Hopkinsville Police Department; Jill Nehila, Administrative Assistant with the Regional Community Policing Institute; Chief J. Kenneth Over of the Hopkinsville Police Department; Cindy Shain, Associate Director of the Regional Community Policing Institute and retired Deputy Chief of the Louisville Division of Police; and Wilda Woodyard, of the Jefferson County Police Department Training Unit.

The KWLEN Member of the Year Award, the organization's highest honor, was given to Sgt. Marieca Brown, of the Bowling Green Police Department.

Scott County's Dancing Deputy Returns



Laura Yuen

He returned, and the people rejoiced. Despite a proposal to replace one of Scott County's most celebrated entertainers with a traffic light, Deputy Sheriff Steve Southworth was back to his usual showmanship for Scott County's first day of school.

He leapt, squatted, jabbed and spun. Children flashed him the peace sign. Parents saluted. Men in pickups honked. Several uninitiated turned heads. But idlers and fit-throwers beware. To an absent-minded bus driver "Hey, wake up. Forgot your coffee?" To a person in a pickup, upset about having to stop "Aw, waaaa, waaaa, waaaa!" in mock sympathy.

To commemorate his first day back, the 53-year-old grandfather, with his signature orange gloves and tinted cop glasses, traded the rest of his uniform for his idea of kids' wear: a backwards baseball cap, shorts, sneakers, and a Scott County Cardinals T-shirt. Although Southworth's customary 40-minute routine stretched into an hour, perhaps indicating the ever-thickening traffic at Cardinal Drive and U.S. 25, it's still uncertain whether a light will be installed.

So far, volume and crash data for the intersection near the county's middle and high schools and ninth-grade center show no need for a light, said Larry McMurray of the Transportation Cabinet's Department of Highways. But field observations are expected to begin next month. In the meantime, the deputy dances.

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Kentucky State Police CRASH System Wins 2001 National Safety Award

Federal Highway Administrator Mary E. Peters announced the 2001 National Safety Awards during a press conference held in November at the National Press Club in Washington, DC. The Kentucky State Police Collision Report Analysis for Safer Highways (CRASH) program was one of 11 award winners recognized. Sgt. John Carrico, program director, was on hand to receive the award.

Commissioner Ishmon Burks praises the program stating, "With CRASH, we have a tool that provides our post commanders with timely collision data which is analyzed and used to identify accident locations within their respective post areas in our continued efforts to

make Kentucky's roadways safer for the motoring public. We are very honored to receive this prestigious award."

The CRASH system, developed by the Kentucky State Police, improves the analysis of traffic collision data for the Commonwealth of Kentucky. The new system was designed for timely and accurate gathering of traffic collision data. Traffic collision information can be submitted electronically or by using color-coded paper reports. The electronic traffic collision report is free to any law enforcement agency within the Commonwealth.

Promotions—Appointments—Retirements

KSP's

Top Crime Investigator to Retire

Ronald Freels has announced his retirement from the Kentucky State Police.

Mr. Freels started his crime-fighting career in 1967 as a midnight-shift dispatcher with the Daviess County Sheriff's Department. In 1968, he joined the state police as a dispatcher in Henderson. After graduating from Western Kentucky University in 1972, Freels was hired as a crime scene technician at KSP's Madisonville post in 1973. He joined the state police's crime lab in late 1974.

Freels worked on many high-profile cases both state and nationwide. In a typical year for the state police, Freels worked 100-150 cases and testified in an average of 30 trials. That work has earned him praise from Ray Larson, Fayette County's Commonwealth Attorney. "He's a real professional. When he does his work, he does it right."

"I very much appreciate my career with the Kentucky State Police," Freels commented. "I've enjoyed providing scientific evidence to make sure justice is carried out."

Glasser Named 10th President of Eastern Kentucky University



The Eastern Kentucky University Board of Regents named Joanne K. Glasser as the school's new president in August. Glasser, the first woman to hold the position of president at ECU, began her duties in October.

Glasser, 50, comes to ECU from Towson University in Maryland, where she had served as executive vice president of institutional advancement. She was named vice president for institutional advancement in 1995 and was promoted to executive vice president in 1999.

A native of Baltimore, Maryland, Glasser earned a bachelor's degree in political science from George Washington University in 1973, a juris doctorate degree from the University of Maryland School of Law in 1976, and a certificate from the Institute of Education Management in the Harvard Graduate School of Education.

Homeland Defense Brigadier General D. Allen Youngman



Governor Paul E. Patton appointed Brigadier General D. Allen Youngman as the 50th Adjutant General of the Commonwealth of Kentucky on August 10, 2001.

He was born in Owensboro, Kentucky and was commissioned through Infantry Officer Candidate School on April 16, 1970. He holds a Bachelor of Arts degree from the University of Kentucky and a Juris Doctor degree from the University of Kentucky College of

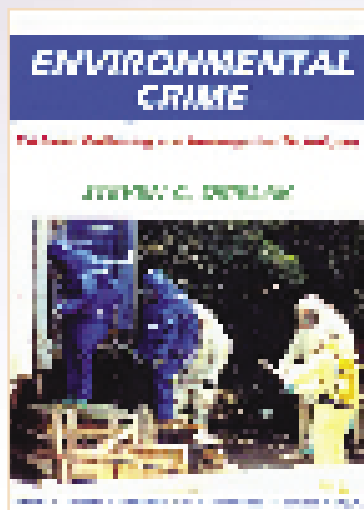
Law. His military education includes the Special Forces Officer Course, Infantry Officer Advanced Course, Command and General Staff College, and the Army War College. Significant active duty assignments included tours with: the 8th Special Forces Group (Airborne) in Panama; the Military Assistance Command, Vietnam; and the 101st Airborne Division (Air Assault).

After leaving active duty, he served in various Special Operations assignments in the United States Army Reserve (USAR) prior to joining the Kentucky Army National Guard and transferring to Armor Branch. Significant Army National Guard assignments have included: Commander, Troop A, 240th Cavalry; Commander, 2nd Battalion, 123d Armor; and Commander, 149th Armor Brigade, 35th Infantry Division (Mechanized). Other assignments have included: Chief, Unit Training Branch, National Guard Bureau; Chief, Research and Staff Support Group, Office of the Director, Army National Guard; and Special Assistant to the Director, Army National Guard. In 1997, he was selected to represent the Reserve Components on the staff of the National Defense Panel and, from 1998 to 1999, he served in the Office of the Assistants to the Chairman, Joint Chiefs of Staff, for National Guard and Reserve Matters. On August 1, 2000 he was appointed as the Deputy Commander, Kentucky State Area Command (STARC). His most recent assignment prior to assuming his duties with Headquarters, Kentucky Army National Guard, was as the Special Assistant to the Commanding General, United States Army Armor Center, Fort Knox, Kentucky.

Book Review

Environmental Crime: Evidence Gathering and Investigative Techniques

By Steven C. Drielak
Charles Thomas Publishing
Springfield, IL, 1998



Environmental crime investigation presents a most unique challenge for law enforcement today. The environmental investigator, a new breed of law enforcement officer, must have extensive training and experience in the environmental sciences and also remain familiar with criminal investigative techniques. The author confirms this by illustrating these requirements needed by all investigators.

In the first chapters of *Environmental Crime*, the author emphasizes training, equipment, safety, and resources, all necessary for a successful prosecution. Because new investigators may find it difficult to adjust to processing environmental crimes versus traditional criminal investigations, the chronology of the text prioritizes the important information in an easy-to-read format.

For example, the section on hazardous waste explains the protocol in collecting evidence and processing the crime scene. Additionally,

the author emphasizes the importance of understanding the laws and rules of evidence in planning environmental investigations.

Later chapters break down specific elements of the search warrant, covering everything from developing probable cause to post-search debriefing. Search warrants remain an effective, necessary, and familiar tool for all law enforcement officers; however, search warrants for environmental crimes are extremely complex and demand absolute precision in their planning and execution. The author demonstrates his understanding of the requirements by systematically describing the different procedures used to serve an environmental crime search warrant.

Proper training remains another important responsibility for the investigator, especially when collecting samples of hazardous waste. By discussing different sampling options, procedures, and protocol, Drielak helps the investigator recognize the importance of remaining properly trained and prepared. Concise paragraphs explain very specific issues investigators must consider when sampling hazardous waste.

The author of *Environmental Crime* has produced a comprehensive handbook for both the novice and experienced environmental crimes investigator. This book provides essential guidelines to follow in collecting evidence and investigating environmental crimes.

Reviewed by Michael A. Hardee

State Attorney Investigator, Jacksonville, Florida

"Courtesy of the Law Enforcement Bulletin"

Law Enforcement Memorial News

Kentucky Law Enforcement Memorial

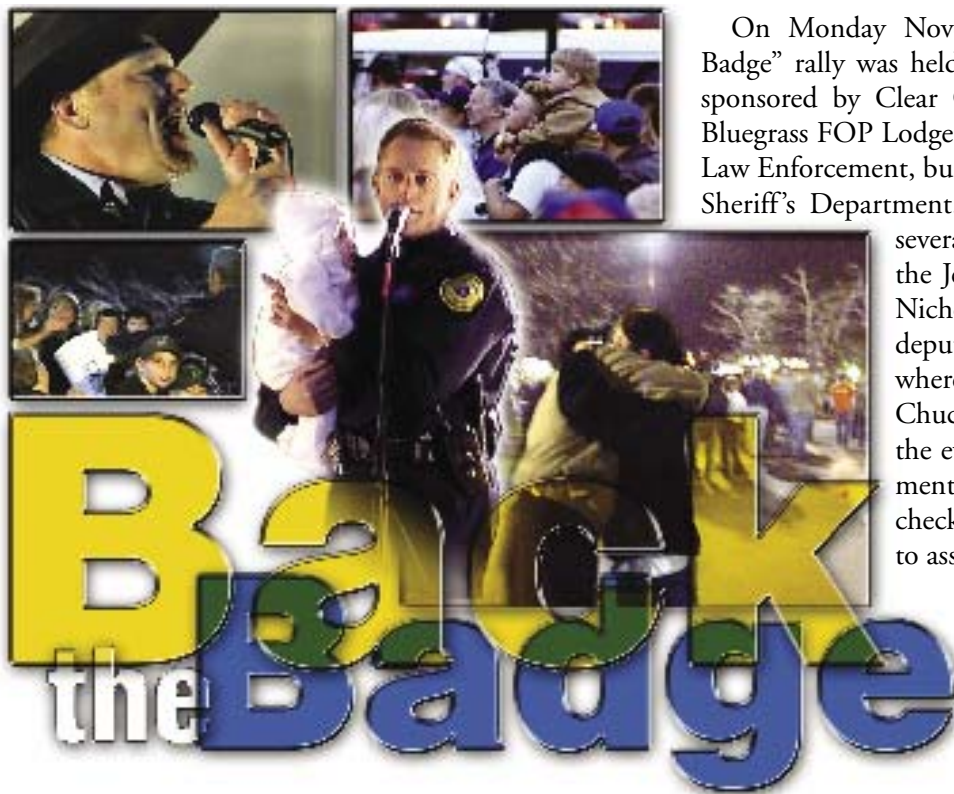
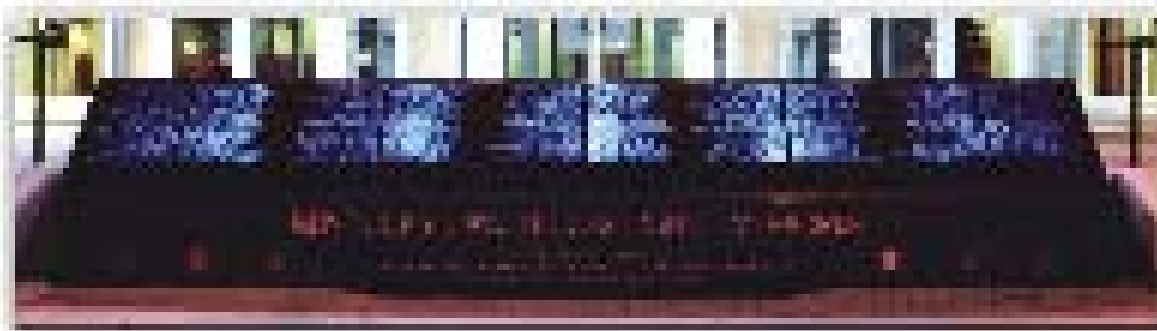
Memorial News

*Greg Howard, President
Kentucky Law Enforcement Memorial Foundation*

The Kentucky Law Enforcement Memorial Foundation is moving into an exciting new phase, focusing on educational scholarships, emergency interest-free loans, and medical assistance. The Foundation has been very busy since the initial dedication of the monument in May of 2000. The focus has expanded from the memorial to also include assisting Kentucky officers, which has generated positive exposure for the Foundation. The Memorial Board meets six times a year to discuss business and evaluate applications. Applications are available for educational, emergency, and medical assistance and should be completed by the recipient and forwarded to the Foundation for review.

The Foundation is still actively involved in fundraising to obtain the monies needed to provide additional services such as: maintaining the monument, assisting with specific grants for other state

monuments, and providing them minimum expenses to operate the Foundation.



On Monday November 26, 2001, a "Back the Badge" rally was held in Nicholasville. The rally was sponsored by Clear Channel Radio, Wal-Mart, and Bluegrass FOP Lodge #4 to support Central Kentucky Law Enforcement, but primarily the Jessamine County Sheriff's Department. Also present at the rally were

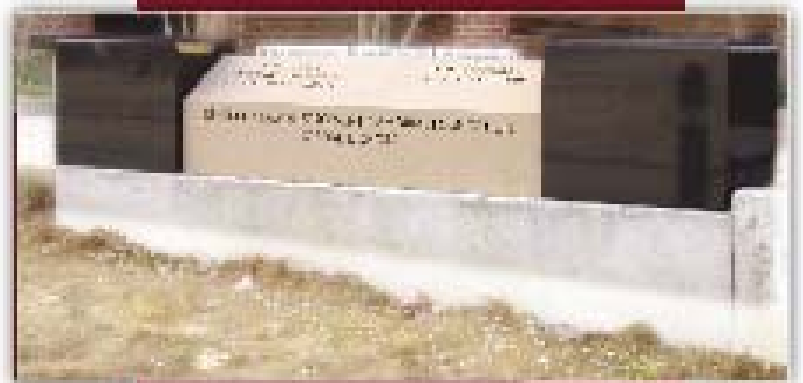
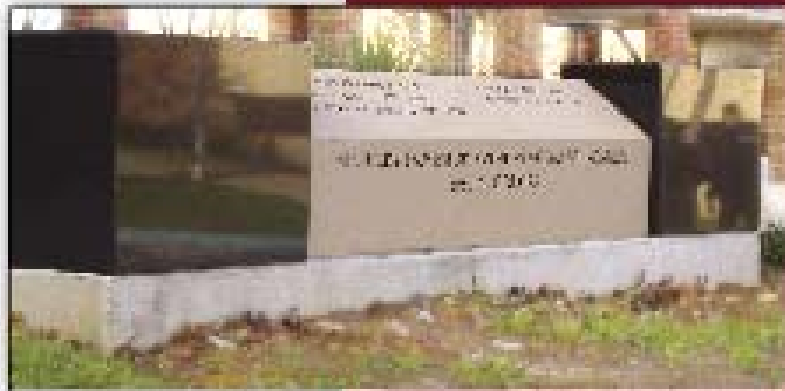
several country music celebrities from the Jessamine County area, Mayor of Nicholasville, and the families of the deputies involved in the tragic incident where Deputy Billy Walls and Captain Chuck Morgan lost their lives. During the event the Kentucky Law Enforcement Memorial Foundation gave a check to Deputy Walls' wife Priscilla to assist her with emergency expenses.

From Around the State



During the 2000 General Assembly, House Bill 542 provided for the creation of a Kentucky Law Enforcement Memorial license plate. We reached our necessary goal of 900 applications on June 29, 2001, and after some fine-tuning, the plates are now a beautiful reality. This specialty plate could generate significant funds for the Foundation if all Kentucky officers get involved. Talk to your friends, family members, and fellow officers and encourage them to support the Foundation. The first plates were delivered in December of 2001 with First Lady Judi Patton receiving the initial plate at the Concerns of Police Survivors meeting in Frankfort on December 1st.

The designers of the monument, Keith Monument of Elizabethtown, Kentucky, finished construction on the contributors' area in November and installed an additional shipment of brick pavers near the memorial. This area continues to receive a large volume of visitors daily with many positive comments on the beauty and dignity this offers Kentucky peace officers.



Please spread the word that anyone needing assistance from the Foundation to call (859) 622-2221 or 622-1328. The Foundation belongs to Kentucky peace officers and their families. We want those individuals who deserve our recognition and help to receive it.

Law Enforcement Memorial News

From Around the State

MEMORIAL

SILENT RESPECT

*Jacinta Feldman Manning
Public Information Officer*

Two Jessamine County Sheriff's Deputies were killed and another was injured while serving a misdemeanor warrant which turned into a shoot-out in November.

Captain Chuck Morgan and Deputies Billy Walls and Sammy Brown were attempting to serve a misdemeanor warrant on Phillip Walker at his home in southeastern Jessamine County on November 13.

Walker fired a .30 caliber M1 Carbine semi-automatic weapon at the officers according to the Kentucky State Police. Deputy Walls, 28, died that day from the shots. Captain Morgan, 51, died 15 days later, on November 28. Deputy Brown was released from the hospital and is recovering from his injuries. Walker was killed when the deputies returned fire.

"We've obviously had a tremendous blow inflicted upon us," Jessamine County Sheriff Joe Walker said. "But our people have responded in a tremendous way." Walker noted that the remaining 16 sworn deputies on his force continue to answer calls, and protect the residents of Jessamine County.

"It pulled us together and made us a closer agency," he said. Both men were honored with traditional funerals for officers killed in the line of duty. As a part of their funeral ceremony, each was taken to the cemetery in flag-draped coffins pulled by horse-drawn caisson. Each received a 21-gun salute and a final call was broadcast over the radio.

At the Department of Criminal Justice Training, a blue and white wreath was placed in front of the Kentucky Law Enforcement Memorial and flags were lowered to half-staff in honor of the two slain deputies. Both of the deputies' names will be added to the memorial in May.

The ceremonies were part of the early-morning Friday flag detail. Each Friday, all four classes participate in raising the four flags flying outside the DOCJT: the American flag, the Kentucky flag, the DOCJT flag, and Eastern Kentucky University flag. On Nov. 16, they were lowered to honor Deputy Walls. The classes lowered them again on Nov. 30 to honor Captain Morgan.



Deputy Billy Walls



Being in law enforcement was always what Billy Walls wanted to do. "That was his life-long dream, to protect and to serve," said his wife Priscilla Walls. "He did it to the fullest while he was alive and obviously he did it to the fullest until the day he died."

Walls, who grew up in Lexington, went to Bryan Station High School where he was involved in Junior Reserve Officer Training Corps. After graduation, he went to the University of Kentucky, where his career in law enforcement began. He started as a dispatcher for the campus police. Not long after, he moved to the Fayette County Sheriff's Office as a dispatcher. He later became a deputy for the agency.

In 1997, he moved to Jessamine County to take a position with the Sheriff's Office there, his wife commented. He was at the department for about a year and a half, and then went to the Wilmore Police Department. Less than a year later, in June of 2000, he returned to Jessamine County Sheriff's Department.

Captain Chuck Morgan

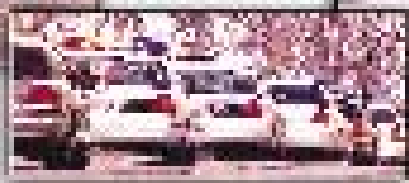


Chuck Morgan, a native resident of Jessamine County, gave his life protecting his citizens, but the Jessamine County High School graduate did many things before he became a deputy. "He always liked trying to help people," said his brother Rick Morgan. "It was the kind of job he kind of grew into."

After graduating from high school in 1968, Morgan went to work at IBM on the assembly line, where he worked for more than 10 years. During the end of his time at IBM, Morgan had begun umpiring high school baseball. He then left Jessamine County to call games in the major leagues. He went to Florida, where he eventually worked his way

up to Double A teams. He worked in baseball for about five years, his brother said, before coming back home to Nicholasville.

He went to work at the Detention Center, and in February of 1990, he became a Jessamine County Sheriff's Deputy.



Obituaries

Larry Darby



Jessamine County Telecommunicator

Telecommunicator Larry J. Darby died December 24, 2001 at the age of 56. Darby began his career as a telecommunicator in October of 2000, and completed DOCJT's Telecommunicator Academy in February of 2001. Mr. Darby's unit number, 59, will be retired in honor of his committed service to both his community and to all emergency and public safety agencies he served.

Survivors include his wife, Katherine; one daughter, Tammy Cole, a son, Jessamine County Sheriff Detective Shawn Darby; and three grandchildren.

The Larry J. Darby Memorial Fund has been set up at the Citizens National Bank at 201 North Main Street, Nicholasville, Ky. 40356. You may also contact them by calling (859) 885-0900.

Requirements for Notifying Foreign Nationals of their Right to Consul

Shawn Herron, Staff Attorney III, Legal Section

In 1963, the United Nations adopted the multilateral treaty of the Vienna Convention on Consular Relations and the United States ratified the treaty in 1969.¹ Article 36 of the treaty provides that when foreign nationals are arrested, they have a right to contact their consul and arresting officers must inform them of this right without delay.

Since this treaty was signed, however, law enforcement officials in the United States have not made a concerted effort to abide by its provisions. Specifically, most law enforcement agencies do not routinely notify arrested foreign nationals of their right to contact their consulate. Because most agencies are not aware of this requirement, the Kentucky Department of Criminal Justice Training (DOCJT) has included the topic in both its Basic Training and In-service classes, beginning in 1999.

Why is this provision important to U.S. law enforcement? In the Charter of the United Nations, of which the United States is a party, Article 94 requires that "each member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party." This Court operates as the judicial arm of the United Nations, and is the proper forum for nations to bring grievances against other nations.

On June 27, 2001, the International Court of Justice delivered its judgment in the case of Germany v. United States of America. In Germany v. U.S., the Court found that the U.S. "breached its obligations to Germany and to the LaGrand brothers under the Vienna Convention on Consular Relations." The Court outlined the facts of the case, which involved Karl and Walter LaGrand, German citizens who had resided in the U.S. since childhood. In 1982, the brothers were arrested for murder in Arizona, and in 1984 were convicted and sentenced to death. The German consulate only became

aware of their case in 1992, when the LaGrands learned of their rights under the Vienna convention treaty. By that time, they were prevented from further appeals under the doctrine of "procedural default," for failing to raise their rights at an earlier point in the trial. On February 24, 1999, Karl LaGrand was executed. On March 3, 1999, at the request of Germany, the International Court ordered that the U.S. take all measures to prevent the execution of Walter LaGrand pending further consideration by the Court, but the execution proceeded as scheduled.

The United States admitted that the LaGrands were never notified of their right to contact their consulate, as required by the treaty. The Court found that the U.S. breached not only its responsibility to its fellow nation-state, Germany, but that there had also been a violation of the individual rights of the LaGrands. By failing to give the LaGrands the opportunity to contact Germany, then invoking "procedural default" and barring the claim as too late, Germany was prevented from raising the issue at all. The Court also found that the order to prevent the execution "created a legal obligation for the United States." While the United States cannot force an individual state to order a stay, it is within the powers of the U.S. Supreme Court to issue a stay of execution, and this they failed to do.

In the case of U.S. v. Page², the Sixth Circuit discussed the consequences of violating the notification provision of the Vienna Convention. In this case, one of the co-defendants, Keith Linton, was a citizen

Compliance on Overtime

Horace Johnson, Investigator Manager, Compliance Section

The DOCJT, Compliance Section, as a part of routine audits, review payroll records of law enforcement agencies. There are two issues, which often surface. They are:

- 1) Do law enforcement agencies in Kentucky have to pay time and a half overtime to officers who work over forty hours in a one-week period?
- 2) Can an agency avoid paying overtime by "averaging" the officer's time over a two-week pay period (i.e. 35 hours during the first week and 45 hours during the second week)?

The Compliance Section requested a legal opinion from our General Counsel's Office regarding these issues. The response we received should be helpful to all law enforcement administrators in the Commonwealth, as they address "overtime" issues.

The following response, dated October 12, 2001, is from Associate General Counsel Stephen Lynn with the Department of Criminal Justice Training:

"Law enforcement agencies in Kentucky must pay time and a half overtime to officers who work over forty hours during a one-week period. They cannot 'average' the time over a two-week period and avoid paying overtime."

First, it should be noted that the Federal Fair Labor Standards Act (29 U.S.C. 201 et seq) does permit public agencies engaged in fire protection and law enforcement activities to vary from the normal forty-hour workweek without paying overtime. However, Kentucky law provides greater protections to the fire and law enforcement personnel and is controlling. Kentucky law requires payment of overtime to those who work over forty hours in a one-week period.

KRS 337.285 provides:

No employer shall employ any of his employees for a workweek longer than forty (40) hours, unless such employee receives compensation for his employment in excess of forty (40) hours in a workweek at a rate of not less than one and one half (1 ½) times the hourly wage rate at which he is employed. This provision does not apply to employees of retail stores engaged in work connected with selling, purchasing, and distributing merchandise, wares, goods, articles, or commodities or to employees of restaurant, hotel, and motel operations, to employees as defined and exempted from the overtime provi-

of Barbados. At the time of his arrest, Linton was given his Miranda rights, but was not notified of his right to contact the Barbados consulate. As a result, prior to his trial, Linton asked that his statements be suppressed and his indictment dismissed. The court denied both motions, finding that the treaty confers no private rights and that a violation of a treaty does not “rise to constitutional dimensions.”

While the Court acknowledged that the Supreme Court, in *Breard v. Greene*², left the issue open as to whether the treaty “arguably” creates individual rights, it concluded that it did not need to decide the issue of individual rights, because it agreed with several other Courts of Appeal that had determined a violation of Article 36 did not include a right “to have evidence excluded or an indictment dismissed.” Different Courts of Appeal have found that the Vienna Convention treaty does convey private, enforceable rights. Most state and federal courts have simply avoided the issue of individual rights. Instead they tend to focus on whether the legal interests of the alien were in some way damaged by the violation of the treaty. These courts have consistently found that failure to notify the alien of the right does not harm their defense. However, the “U.S. State Department has described the right of access as the right to a cultural bridge and has acknowledged that no one needs a cultural bridge more than the individual ... who has been arrested in a foreign country.”⁴

A recent article in *The Lexington Herald-Leader* brought up the issue in Kentucky.⁵ The article points out that the U.S. State Department aggressively protects the rights of American citizens to be notified of their right to contact their consulate, but that the right is commonly ignored by U.S. law enforcement authorities. The article quoted former Secretary of State Madeline Albright, who warned “U.S. police departments need to abide by the Vienna Convention, because having a double standard undermines consular protection for Americans abroad. If American officers don’t inform arrestees of the right, why should any other country’s gendarmes extend an American that courtesy?” In agreement, the Council for Hemispheric Affairs

has commented, “by ignoring the rights spelled out in the Vienna Convention, the U.S. could also be compromising the safety of its own citizens abroad.”⁶

The right of an alien to be told they may contact their consul is a simple right and one very easy for law enforcement officers to provide. While no criminal case in Kentucky appears to have been seriously compromised by a failure to make the notification, continuing failure to provide the required notification may lead to legal liability. The Department of Criminal Justice Training recommends that officers record each time the notification is given, and that this notice be documented on the specific citation or on a separate report.

If you have any questions concerning this issue, as always, please feel free to contact the Department of Criminal Justice Training’s Legal Section.

The full text of the document entitled **Consular Notification and Access** can be found at:

http://travel.state.gov/consul_notify.html

This document includes translations of the notification in a number of common languages. Telephone numbers (including fax numbers) of consulates can be found at following website:

<http://travel.state.gov/notification6.html#phone>

¹ 115 Cong. Rec. S30997 (October 22, 1969).

² 232 F.3d 536 (6th Cir., 2001, cert. denied 121 S.Ct. 1389 (2001))

³ 523 U.S. 1068, 118 S.Ct. 1407 (Mem), 1998.

⁴ Mark J. Kadish, quoting U.S. Dep’t of State, 7 Foreign Affairs Manual 401 (1984).

⁵ Louise Taylor, States ignore foreign detainees’ rights, *The Lexington Herald-Leader*, July 16, 2001, available at:

<http://www.kentuckyconnect.com/heraldleader/news/071601/localdocs/16vienna.htm>

⁶ Rights Denied: U.S. Death Sentences Violate International Law, August 1997, available at:

<http://www.coha.org/opeds/viennaconv.html>

sion of the Fair Labor Standards Act in Sections 213(b)(1), 213(b)(10) and 213(b)(17) of Title 29, U.S.C., or employees whose function is to provide twenty-four (24) hour residential care on the employer’s premises in a parental role to children who are primarily dependent, neglected, and abused and who are in the care of private nonprofit childcaring facilities licensed by the Cabinet for Health Services under **KRS 199.640 to 199.670**.

In addressing a query based upon **KRS 337.285**, the Office of the Attorney General stated in **OAG 79-151** that:

Policemen are not specifically excluded from any of the state minimum wage or overtime pay provisions unless police personnel are classified as executive, administrative, professional or supervisory personnel.

Regarding the issue of “averaging” forty hours over a two-week period, Section 3 of 803 **KAR 1:060** overtime pay requirements, specifically provides:

Each Workweek Stands Alone. The statute [**KRS 337.285**] takes a single workweek as its standard and does not permit the

averaging of hours over two (2) or more weeks. Thus, if an employee works thirty (30) hours one week and fifty (50) hours the next, he must receive overtime compensation for the overtime hours worked beyond the applicable maximum in the second week, even though the average number of hours worked in two (2) weeks is forty (40). This is true regardless of whether the employee works on a standard or swing shift schedule and regardless of whether he is paid on a daily, weekly, biweekly, monthly, or other basis. The rule is also applicable to pieceworkers and employees paid on a commission basis. It is therefore necessary to determine the hours worked and the compensation earned by pieceworkers and commission employees on a weekly basis. (Emphasis added).

Accordingly, any agency that requires a police officer in a non-executive or non-supervisory position to work in excess of forty hours in a one-week period must pay that officer overtime.

Law enforcement agencies, which participate in KLEFPF, are also reminded that KLEFPF pay must be included in the “overtime” calculations for eligible officers and deputies.

As the supervisor over legal instruction at DOCJT, one of my concerns is that police officers know what the law allows them to do for their safety. I am concerned that officers are reluctant to search or frisk because they are not sure where they stand legally. Here are some basic guidelines for officer safety issues:

Bobby Ricks, Legal Section Supervisor

Stop and Frisk

These terms refer us back to the landmark decision of Terry v. Ohio¹ where the U.S. Supreme Court held that police officers could detain a person based on facts that do not amount to probable cause. This case gave rise to the standard of “reasonable suspicion.” When police officers can articulate specific facts to support why they suspect a person of wrongdoing, they may detain that person, or persons, for a reasonable amount of time.

Separate and apart from detaining someone is frisking that person. A frisk is the pat down of outer clothing for the purpose of uncovering any weapons the person may have concealed on them. The Terry decision also held that the Fourth Amendment protected the frisk of a person. To be reasonable, the Court held that officers might frisk a person when they can articulate reasonable suspicion to believe that person is armed.

Please be aware that many officers are using the terms “stop” and “frisk” together. This assumes that if you have reasonable suspicion to stop you automatically have reasonable suspicion to frisk. This is not the case. The officer must be able to articulate specific facts to believe the person detained is armed. The belief that a person is armed must be based on objective facts. The phrases “officer safety,” or “for my safety and yours,” do not establish reasonable suspicion.

In Florida v. J.L.², the U.S. Supreme Court held that reasonable suspicion is less than a preponderance of evidence. Officers only need to show that they possessed specific facts that would lead reasonable persons to believe that the person was armed. Reasonable suspicion would exist even if the facts do not ultimately prove to be correct.

While a frisk is limited to searching for weapons, if the officer touches something and immediately recognizes that item to be evidence of a crime (a bag of marijuana, for example) they may retrieve the item and use it against the person.³ If you have reasonable suspicion to believe a person in a vehicle is armed, you can also frisk the passenger compartment of the vehicle.⁴

Use of force in detaining persons

Where officers are reasonably concerned for their safety (objective facts), the courts have allowed them to draw and point weapons at people, to detain persons in handcuffs, and to detain persons in the back seat of a police car. The latter two, detention in handcuffs and/or detention in the back seat of a police car, are normally associated with an arrest.⁵ After a person has been detained using this level of force, officers should carefully document the objective suspicions that led them to believe such force was necessary. Such force would trigger the requirement for Miranda warnings unless the questioning was for officer safety. (e.g., “Where did you put the gun?”)⁶

Arrest

The detention and subsequent searches can go further when officers place a person under arrest. Arresting a person allows the officer to search the person, including any containers in the person’s possession. This search is not limited to a pat down, but allows the officer to reach into pockets and retrieve weapons and evidence of a crime.

If the person is arrested in their car, a search of the passenger compartment is within the scope of a search incident to arrest.⁷ Kentucky Courts have held that it is unreasonable to search the car if the arrest is for a minor traffic offense.⁸

If the arrest occurs in a home or office, the area in immediate control can be searched.⁹ The area in immediate control is the area where a person could hide or retrieve a weapon or evidence. While you cannot direct a person into specific areas (e.g., “let’s go into the bedroom”), the officer would be permitted a quick search of the area to uncover weapons if the person to be arrested needs to go to a room to retrieve something. For example, if the person wanted to get his coat out of the closet, the officer can check the closet before allowing the arrestee access. Also, if the arrestee were to sit on a chair, the officer can check under the cushions, under the chair, and anyplace in the immediate area where weapons could be hidden.

In addition to the search incident to arrest, when officers enter a house to arrest someone, it is not unreasonable to “sweep” the house looking for persons.¹⁰ First, the officers must have a reason to believe other persons may be in the house. If the officers have no reason to believe other persons are present, they can still look into rooms or areas that join the room that a person is arrested in. Finding a person on a sweep does not in itself justify a frisk of that person.

Keep in mind that these guidelines are the tip of the iceberg. If you need to refer to the cases, see our case briefs on our web site. If you need additional help, call us in the legal division.

¹ 88 S.Ct. 1868 (1968)

² 120 S.Ct. 1375 (2000)

³ Minnesota v. Dickerson, 113 S.Ct. 2130 (1993)

⁴ Michigan v. Long, 103 S.Ct. 3469 (1983)

⁵ See U.S. v. Perdue, 8 F3d. 1455 (CA10 1993), and U.S. v. Powell, 210 F3d 373 (CA6 2000)

⁶ See New York v. Quarles, 104 S.Ct. 2626 (1984), and Perdue, *Supra*.

⁷ New York v. Belton, 101 S.Ct. 2860 (1981)

⁸ Lane v. Commonwealth, 386 S.W. 2d 743 (1964)

⁹ Chimel v. California, 89 S.Ct. 2034 (1969)

¹⁰ Maryland v. Buie, 110 S.Ct. 1093 (1990)

A Legislative Perspective on the Kentucky General Assembly



Jody Richards, Speaker of the House day, are the first and foremost reason the Commonwealth is the ideal place to work and live.

The tragedies of September 11, coupled with the recent losses suffered by the Jessamine County Sheriff's Department reminded us again that this protection carries a steep price. Whether we like it or not, this is a never-ending battle, because there will always be those who will not hesitate to take advantage of others for their own gain. The only thing separating order and chaos, right and wrong, is that thin blue line.

Paul Harvey wrote an essay that asks the question "What Are Police-men Made Of?" His answer is better than any I have ever heard.

"He must be first to an accident and infallible with his diagnosis. He must be able to start breathing, stop bleeding, tie splints and, above all, be sure the victim goes home without a limp. Or expect to be sued."

"The police officer must know every gun, draw on the run, and hit where it doesn't hurt. He must be able to whip two men twice his size and half his age without damaging his uniform and without being 'brutal.'"

"A police officer must know everything – and not tell. He must know where all the sin is and not partake. An officer must, from a single strand of hair, be able to describe the crime, the weapon and the criminal – and tell you where the criminal is hiding."

Harvey concluded by saying "The policeman must be a minister, a social worker, a diplomat, a tough guy, and a gentleman."

I agree with Paul Harvey, and would add another description as well: our law enforcement officers are heroic defenders of freedom, especially those killed in the line of duty. Revelation chapter 21, verses 3-4 offer some comfort as we remember those who gave everything they had for us. "They will be His people, and God Himself will be with them and be their God. He will wipe every tear from their eyes. There will be no more death or mourning or crying or pain."

Those who died had every gift but length of years. We cannot bring them back, or end the pain of those they left behind, but we can make sure their contributions are never discarded and never forgotten. The same holds true for those of you who have dedicated your careers to our protection. My colleagues in the General Assembly and I value what you have done for our communities, our Commonwealth, and our country.

We can never adequately repay you, but we take every opportunity to see that your needs are met. It is the least we can do.

Earlier this year, during a ceremony marking the first anniversary of the memorial dedicated to Kentucky's fallen police officers, I was given the opportunity to address the sacrifices police must make.

It was an honor to pay tribute to these brave men and women, and what they represent. Just as soldiers fight for our freedom, they fought – and died – for our safety. Their invaluable contributions, along with those who put their lives on the line every



David Williams, Senate President remind me of what Emerson said about brave men, "They built a nation's pillars deep and lift them to the sky." Certainly we find all the ideals that make our country and our community great embodied by our law enforcement officers.

Law enforcement can be an extremely dangerous profession. U.S. Department of Justice statistics show 633 officers were killed during the ten-year span between 1988 and 1997. Handguns and rifles were used in the majority of the incidents. In November, Kentucky law enforcement officers were reminded of just how dangerous their job is when three Jessamine County Sheriff's deputies were shot while serving a warrant. Sadly, two officers lost their lives.

This is just one example of why I am a strong advocate of providing law enforcement officers in Kentucky with the best training and equipment. We must have laws on the books that protect officers and give them the authority to make split-second decisions when apprehending a suspect. These are all essential safety components for our law enforcement officers who face danger on a daily basis.

I am proud of the fact that Kentucky has some of the best law enforcement facilities in the country. The Department of Criminal Justice Training, in addition to Eastern Kentucky University's College of Justice and Safety, as well as the Center for School Safety, located on ECU's campus, are three excellent facilities that I have supported in the past and will continue to support in the future.

A more expedient evidence testing system would also improve safety for officers in the field. Many repeat criminals are on the streets while evidence from a previous crime is in the lab waiting to be analyzed. Crime labs in Kentucky are backlogged with cases. The General Assembly will consider ways to speed up the process during the 2002 session.

One area of concentration will be on the state DNA evidence crime lab. Advances in DNA evidence-gathering techniques coupled with good old-fashioned police work are resulting in the conviction of more criminals. However, the DNA crime lab also has an extremely long list of cases waiting to be examined. Some legislators also want to increase the scope of the DNA database to include criminals other than sex offenders.

I want to make sure we have enforceable laws that are clear and serve as a deterrent to crime. I also want to make sure that we are technologically sound in our investigative techniques so we can stop a repeat criminal.

I welcome your input on this issue and on every issue facing the citizens of the Commonwealth. Call the Senate President's Office in Frankfort at 1-800-372-7181, or stop by when you are in Frankfort.

What we have here is a Failure to

Thomas J. Smith III

Commonwealth Attorney, 25th Judicial District



Now, *pay attention*, there will be a test at the end of this article!

You're probably thinking: "What does that arrogant prosecutor think? He's going to give me a test. Yea, right!"

That got your attention didn't it! Let's shift gears for a second before we blow a transmission.

My lessons in humility follow.

While the words "What we have here is a failure to communicate" may remind you of a line from Cool Hand Luke, they are also the same words used by a juror to explain

Thomas J. Smith III what he thought of a criminal case where the defendant was acquitted. This juror spared no punches and included everyone in his stinging criticism of the case. The judge's instructions were incomprehensible. The prosecutor didn't emphasize the Commonwealth's facts in the case. The defense attorney confused the issues and the facts for the jury. The police officers and lab technicians were hard to hear and harder to understand. Everyone seemed unprepared. The jury obviously felt that the facts of the case had not been adequately communicated to them. They really believed the defendant was probably guilty, but the Commonwealth's presentation and its witnesses had failed to communicate exactly what happened in the crime in a clear manner. Therefore, they had a reasonable doubt. A guilty person went free because of a failure to communicate.

The concept of communication rests at the heart of every law enforcement activity. If you, as a law enforcement officer, communicate well with all the people involved, beginning with the defendant and witnesses and continuing to the prosecutor, the judge, and finally, the jurors, then you will be much more likely to secure justice in your case. There are four general areas in which clear concise communication plays a crucial role—community image, report writing and documentation, pretrial testimony, and trial testimony.

First take a look at your community image. Community image is vitally important to the prosecution and the officers because the jurors who judge your credibility and believability come from the citizens of the communities in which we live and work. Remember the fellow you give a speeding ticket to on Friday may well be a juror in the burglary case you present on Monday. How you treated him when you gave him the ticket will definitely influence how he views your credibility. The woman who sees you staggering out of a bar may be the juror on a DUI case you are testifying in next month.

Whether we like it or not, the eyes of the whole community are on all of us in law enforcement. The prosecutors and the police are held to a higher standard than the average citizen in most communities. Over the past few years, some juror's opinions of law enforcement officers and prosecutors have changed significantly. Years ago it was common for many prospective jurors to openly admit in court during voir dire, that they tended to believe a police officer more so than a lay witness. Now, the situation has changed. Jurors will often express opinions that are less than flattering about police and prosecutors.

Last year I observed a trial where one of the jurors admitted knowing an officer who would be called to testify. This juror told the court that she disliked this officer because of past professional experiences. Statements like this reveal an attitude that can quickly infect the remaining jury panel and ultimately result in a not guilty verdict for a guilty person. Please keep in mind that the person you arrest today may have a spouse, child, sibling, or parent sitting on the jury and judging you and your testimony tomorrow. Bottom line—treat every-

one you come into contact with as you would like to be treated if your roles were reversed. Common courtesy, fairness, and honesty will go far toward building a good, positive community image.

Secondly, your primary means of early communication with the courts, the prosecutors and the defense attorneys is through your citations, written reports and supplementary reports. Everyone, nowadays, is drowning in a sea of papers. So, it's best to learn how to swim in this sea, or you will sink with your case. The more detail you put in your reports and citations, the better off you will be when you go to court weeks, months, or years later. Long after a case has been investigated, the human mind simply cannot recall everything about the case. That is why the reports and supplements are so important. Accurately refreshed recollection is essential to accurate testimony.

Often if the defendant or a witness makes a verbal statement and no one reduces the statement to writing, then this statement cannot later be used at trial. Rule 7.24 of the Rules of Criminal Procedure and the cases interpreting this rule require that the defense be given notice of any oral incriminating statement known by the attorney for the Commonwealth. As well, the Commonwealth must turn over any written or recorded statements or confessions made by the defendant, or copies thereof, that are known by the attorney for the Commonwealth. The cases interpreting these rules hold that if the police know of such statements, such knowledge is imputed to the prosecutor. If the prosecutor does not know about an incriminating statement the defendant made at the scene, on the way to jail, or during booking, then the prosecutor can't use this statement. What happens if this rule is not followed? The rules clearly provide the remedies:

If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with this rule or an order issued pursuant thereto, the court may direct such party to permit the discovery or inspection of materials not previously disclosed, grant a continuance, or prohibit the party from introducing in evidence the material not disclosed, or it may enter such other order as may be just under the circumstances.

Most instances where the rule is not followed will result in the evidence not being permitted in the trial. In *Anderson v Commonwealth*, 864 SW(2d) 909 (Ky. 1993) the Court said that an incriminating statement by an accused, which was not provided to defense counsel in connection with pretrial discovery, had to be excluded, regardless of whether error in failing to provide discovery was chargeable to prosecutor, for failing to provide such evidence to trial court for in camera inspection. This problem could have been averted easily if those who overheard them had properly documented the oral statements of the defendant.

Defense attorneys have a field day with police officers during cross-examination when the reports are deficient in any way. Imagine how a law enforcement officer feels when the defense asks these questions:

Officer, during the course of your training didn't your instructors teach or emphasize to you the importance of writing accurate reports?

Officer, you passed this course you took, didn't you?

Officer, you just told this jury that my client made the statement during the booking process that he "should have shot the victim three more times", didn't you?

Officer, you didn't include this statement in any of your reports, did you?

Officer, you would agree with me that this is a very important piece of evidence in your case against my client, wouldn't you?

Officer, you would agree with me that my client either didn't make that statement or your failure to include it in your report is contrary to your extensive training, departmental policy, and self-proclaimed professionalism?

Imagine an officer having to endure this kind of cross-examination simply because of an oversight in the reporting process. The message is simple: either the officer is lying about the statement or the officer has conducted a sloppy and unprofessional investigation. The best way to avoid such problems is to record and report all the facts possible. The bottom line is document, document, document!

The third level of communication occurs during the pretrial process. This area of communication concerns preliminary hearings, grand jury hearings, bond hearings, suppression hearings, and other instances where the officer is called as a fact witness. These hearings are crucial to the outcome of the case for a number of reasons. First, if an officer testifies incorrectly, the evidence or confession may be suppressed. For instance during one case, a police officer testified that he “stuck his head inside the defendant’s car and smelled marijuana.” He meant to say that he smelled the odor of marijuana as he approached the defendant’s car, however, because the officer was not prepared and had not reviewed the case with the prosecutor, the facts came out incorrectly. The evidence was suppressed. This is as much the fault of the prosecutor as the officer. After the evidence was suppressed, it was too late to correct the error.

These kinds of hearings provide the defense with a locked in version of the officer’s testimony. In most cases where later discrepancies in testimony occur, the defense will magnify any little distinction between the testimony at an earlier hearing with the testimony at trial. The defense will quickly and vigorously point out any differences between what the officer tells the jury and what the officer testified to at an earlier hearing and while under oath. In this kind of situation, the message the defense is sending the jury is that the officer is either incompetent or a liar, or both. What message do you think you are sending the jury when there are contradictions with earlier testimony that you cannot reasonably explain?

These kinds of errors are compounded when the prosecutor does not communicate with the officer before the hearing. The responsibility falls directly upon the prosecutor to spot the problems and deal with them honestly and ethically before they explode in court and sink the case. However, communication is a two-way street. The officers should be available to discuss the case with the prosecutor and be able to explain why problems exist and be ready to correct the record through supplemental reports. The bottom line is: be prepared, knowledgeable, and speak accurately about the facts of the case.

The fourth, and arguably the most important, area of an officer’s ability to accurately communicate occurs during the trial process. It’s simple, the jury either believes you or they don’t. All of the issues that have been addressed above play a significant role in the officer’s credibility.

When police officers, or any witnesses, talk so that the jury can understand them, then the cause of justice is much better served. Some of the best and most compelling stories I have heard police officers tell have been recounted outside of the courtroom. These stories have been told and explained in simple everyday language. When a witness takes the stand, he or she should lose the “policeese” language. You decide where the best place is for the following testimony:

“I was sitting in my unit while on routine patrol and observed that gentleman seated over there operating his motor vehicle. After observing him engage in conduct that I felt to be illegal, I activated my equipment with my right hand while steering with my left hand and commenced to pull him over. I exited my unit while my equipment was still engaged and proceeded to the rear of the gentleman’s unit at which time I confronted him. I cuffed him, and placed the gentleman in custody in the rear of my unit behind the cage where I advised him of his legal rights pursuant to the Miranda decision.”

Does this type of testimony best belong in a seamy novel, a pervert’s handbook of delights, or in court? You get the picture. A jury simply won’t be able to grasp this kind of testimony. This story can

be easily told as follows:

“While I was working my shift, I saw that man commit what I thought was a criminal act. I turned on my blue lights and siren and stopped the defendant’s car. I got out of the police car and went to the back of his car where I arrested him. I then put him in the back of my car where I advised him of his rights.”

Rather than talking about “units”, talk about “cars” and “trucks”. Rather than tell someone you “observed” something, tell them you “saw” it. Rather than talk about the “rear” of anything, use the term “back”. Rather than “proceed” use the term “went”. The list goes on.

Think of the message you want to convey to the jury. Then use words they are familiar with to convey your message. Of course, an officer wants to appear professional, however, speaking in “police tongues” seldom impresses a jury and can confuse many. Why on earth would a police officer want to refer to the defendant as a “gentleman” or a “lady?” Simply refer to the defendant as “the defendant”, “him”, “her”, “man” or “woman”. There is no need to call the defendant a “scumbag”. There is certainly no need to imply that the defendant is a “nice guy” or “nice gal” just like you or me. Just as an officer does not want to appear biased against the accused, the officer does not need to sugar coat the defendant.

Aside from language there are other ways officers communicate with the jurors. Body language says volumes to jurors. The best witnesses are those who sit up straight, speak clearly, and look the jurors in the eye while testifying. Good witnesses listen to the questions and think about their responses before answering. A witness who appears poised and confident makes many more points with a jury than does an arrogant, know-it-all witness.

Does an officer want to appear hostile or biased? Of course not. Any witness should be courteous and polite to all the professionals involved in the legal process. The judge, the jurors, the prosecutor and, yes, even the defense attorney should all receive polite treatment from a witness. A polite “yes sir” or “no ma’am” work to the witness’s advantage compared with a “yea” or “naw”. Even if the defense attorney becomes hostile or belligerent, keep your cool and the jury will likely see through it for what it is—significant of nothing.

The ideal presentation for most officers is to appear to the judge and jury as dispassionate fact finders. That is, professionals who investigate to find the true facts surrounding a criminal allegation. Common sense tells us that if the jury’s job is to be the fact finder in court, then the jury will more likely relate to the police officer if the police officer comes across as a professional finder of facts, regardless of whether the facts are detrimental, or beneficial to the defendant. Obviously, the jury can also read between the lines and conclude that based on the officer’s unbiased investigation, the officer has concluded the defendant is guilty. If they can relate to you they can also relate to your conclusions and findings. As Joe Friday says in the old *Dagnet* series, “Just the fact’s ma’am, just the facts.” So there you have it. Effective communications is the key to success for the prosecution and law enforcement in winning criminal cases.

Now for your test. Your mission, if you choose to accept it, is to review this article and see how these concepts could have been communicated more effectively. Yes, that’s it, you are to grade this article, and me and no it’s not Mission Impossible. You can mark it up, rearrange it, change the wording, change the ideas, and even, disagree, but your job is to determine how these points can be communicated more effectively. There are different places within this article that provide you with opportunities to improve this message, either in style, content, or wording. I challenge you, as I challenge myself, to be a more effective communicator. If we communicate well, the criminals become the losers and the communities where we live and work become the winners.

Feel free to contact me at: tjs3rd@bellsouth.net

Stating the Case for



Court Security

Joseph E. Lambert, Chief Justice of the Commonwealth of Kentucky

A decade ago, thoughts of court security were reserved for high-risk trials and controversial defendants. Not today, and not just in criminal cases. Just as domestic disputes are some of the most violent for law enforcement to address, they are equally dangerous for courts to resolve. Regretfully, court facilities/courthouses in 26

Kentucky counties have no security installation at all and no plans to add it; 31 have a full security package including metal detectors (and perhaps an x-ray machine), surveillance cameras, a door access system, and panic buttons; 15 have a minimum security package which combines a door access protection system with panic buttons; 18 have only panic buttons. Another 30 facilities plan to install some level of security technology in the near future. Judges in some of our rural counties hold court without any bailiff service. These judges rely on the formality of the court proceeding and personal demeanor to maintain control of the courtroom. In other jurisdictions, when a multi-county judge is presiding elsewhere, there may be no law enforcement presence in the courthouse at all. Regardless of location or population size, every Kentucky county and courthouse is unique, and none is less deserving of protection than any other.

Despite significant advances in technology, effective court security is more than just a modern building with the latest equipment. A secure courtroom combines modern design, technology, sound operating procedures and thorough staff training. All four elements are essential to ensure the safety of people and property inside the courthouse and around its perimeter, as well as to protect the integrity of the judicial process. Security equipment can carry much of the load, but a surveillance camera is of little value if no one is there to watch the movement it captures. A magnetometer is useless if no one is there to confiscate the dangerous instrument it detects. The importance of a well-trained staff of bailiffs and court security officers cannot be overstated. These personnel are truly the front-line in prohibiting banned weapons from entering the front door of the courthouse as well as guarding the judge, bench clerk, jurors, witnesses, attorneys, trial participants, defendants and spectators. In particular, the bailiff must be visible as a sign of law enforcement presence, but then fade into the background so as not to impede persons' rights to receive a fair trial.

Kentucky's judiciary has had firsthand experience with acts of vio-

lence. In 1991, a Lexington attorney shot another attorney inside the Fayette County District Court Building. In 1994, a molotov cocktail was hurled into the Carter County Courthouse in an attempt to destroy criminal records. In 2001, a prisoner representing himself in a hearing inside the Kentucky State Penitentiary, undeterred by leg irons, jumped atop the makeshift bench and lunged at the judge. He was ultimately subdued by prison guards, but not before upending and splintering the bench. Not all attacks are this sensational, but less dramatic events are just as disruptive and occur with greater frequency as more Americans sense frustration, especially in domestic matters. Shouting matches between (ex) spouses, prisoner escapes and destruction of evidence threatens the trial process by making it difficult for criminal defendants and civil trial litigants to get a fair trial.

Court security is essential if the judiciary is to preserve the constitutional rights of criminal defendants and civil litigants and ensure proper administration of justice. However, the challenges can be daunting. Significant costs, architectural limitations and organizational issues limit the funds and personnel government can devote to securing our courts. There are less tangible obstacles too. Some elected officials and employees have a false sense of security having convinced themselves, "it will never happen to me"; staff sometimes

Court security is essential if the judiciary is to preserve the constitutional rights of criminal defendants and civil litigants and ensure proper administration of justice.

circumvent security measures by propping open doors and sharing door access cards and codes; and some employees and officials simply have a lax attitude toward court security,

considering it a nuisance rather than a necessity for their protection.

To help address these issues and explore the adequacy of our current statutory scheme, the Kentucky Task Force on Court Security was convened in December 2000. The task force was co-chaired by Cicely Jaracz Lambert, Director of the Administrative Office of the Courts. Valuable assistance was provided by the Eastern Kentucky University College of Justice & Safety. This multi-disciplinary group combined the talents and expertise of elected officials, court representatives and members of law enforcement. Since sheriffs are primarily responsible for court security, enthusiastic participation by the Kentucky Sheriffs' Association was key to the success of the task force, which has released its recommendations for improving court security throughout the Commonwealth.

The release of the task force recommendations is just one step in a process that began nearly five years ago by the Kentucky Bar Association Joint Study Commission on Judicial Concerns. Now we must set about to implement the recommendations, where practical, given our current financial resources. As suggested by the report, adequate security measures must be available for all courts. The need is especially great in rural counties where bailiff protection is sometimes limited, and in all levels of our courts when family issues are on the docket due to the violent emotional eruptions which are prevalent in domestic cases.

To better understand the breadth of security breaches, a Court Security Incident Report Form (AOC-PT-50, Rev. 8-01) has been created. The form, which is intended to track incidents involving court employees and those occurring on court-controlled property, is available through each Circuit Court Clerk's Office and from the AOC Print Shop. While not all incidents occurring in a court facility are reportable to the Court of Justice (COJ), the one-page form is to be completed by court personnel or law enforcement anytime an incident involves a COJ official or employee; occurs in a 100% COJ facility; involves COJ personnel on non-court property; or occurs in space leased to the COJ in a mixed-use facility. Completed forms are to be forwarded to John Conley, Commander, AOC Court Security Services, within 72 hours of the incident.

In conclusion, court security is not a luxury. In today's society, it is a necessity. The courthouse is not only a symbol of American justice,

it is an essential workplace. Public employees, including court staff, should be safe and secure while doing their jobs. Additionally, many people come to the courthouse solely in response to a witness subpoena, criminal warrant or juror summons. All trial participants and spectators should be able to come to court without fear of violence.

An expert testifying before the Court Security Task Force acknowledged that security is inconvenient. However, when talking about life and death and conducting the court's business in a safe environment, the minor inconvenience of entering through a secure checkpoint and submitting to a weapons search is well worthwhile.

To receive a copy of the *Recommendations of The Kentucky Task Force on Court Security* contact the Administrative Office of the Courts at 1-800-928-2350 or read the report online at: http://www.kycourts.net/PRESS/Court_Security_Recommendations.pdf

Task Force Recommendations

All courthouses should provide screening for weapons. To implement this suggestion, the task force endorsed "single point entry" (requiring all non-elected court employees and visitors to enter the courthouse through a single door); adoption of minimum security standards for all court facilities; the screening of all employees and the public; and adoption of a policy on law enforcement officers being able to retain sidearms in the courtroom.

Training for bailiffs and court security officers should be improved and minimum standards established.

Compensation standards for bailiffs should be adopted.

Physical standards for bailiffs and court security officers should be adopted.

Courtrooms should have two bailiffs available in most circumstances, particularly during criminal and family law hearings. When impractical, some method of summoning immediate assistance must be available to judges with one or no bailiff assistance or protection.

A Court Facility Contingency Plan for handling bomb threats, bombings, fire, hostage situations, medical emergencies, earthquakes, floods, riots, and other similar situations should be established for each courthouse/court facility.

The state of security in each courthouse, court facility, and courtroom should be assessed.

Special care should be taken to ensure security measures are compatible with courtroom decorum.

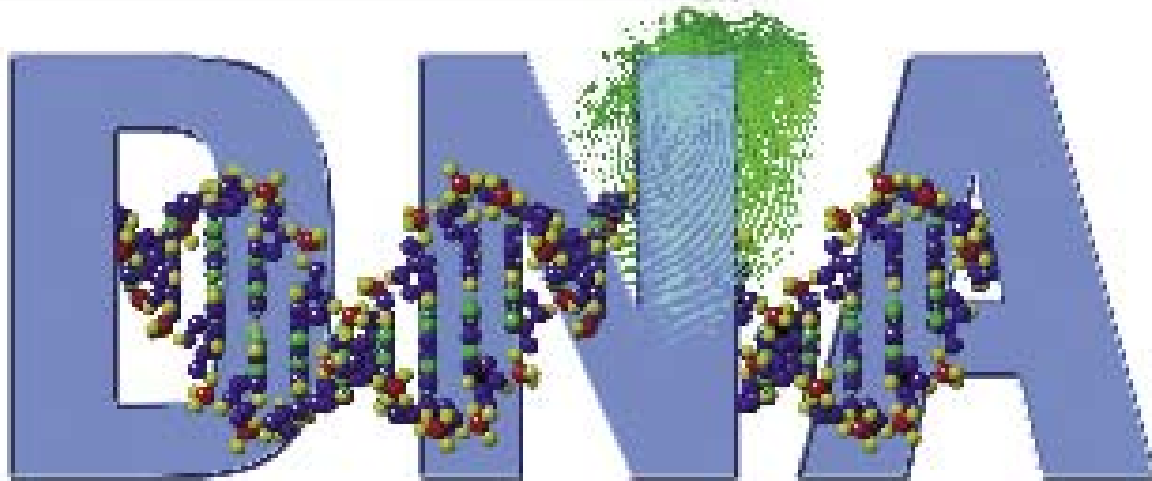
The authority of AOC Court Security Inspectors should be expanded to allow them to fully protect judicial officials when in transit or at locations outside the immediate control of the AOC.

A new Uniform Offense Report Code should be assigned by KSP to enable collection of data resulting from incidents occurring in Court of Justice-maintained facilities or involving court personnel.

KRS Chapter 527 should be amended to create the new felony of intentionally carrying a weapon into a courtroom.

KRS Chapter 524 should be amended to create a new felony for retaliating against a judicial officer.

A standing committee on court security should be formed.



STATE'S DNA DATABASE GETS FIRST CONVICTION

Cohen was arrested after a DNA "hit" on the system in November 2000. He was convicted in September 2001 of rape, kidnapping, armed robbery and sexual abuse, and was sentenced to 20 years in prison

Rape evidence found in car matches registry's profile on defendant in '85 case

Dylan Lovan, Associated Press

A man police linked to a rape using DNA evidence has become the first person in Kentucky to be convicted with help from the state's DNA database. Police gathered DNA evidence from the back seat of a car where the woman was raped and matched it to George Benjamin Cohen's DNA, which was on file in the Kentucky State Police registry. Cohen, 37, was added to the DNA database because of a previous rape conviction.

Cohen gave his DNA sample while serving a 13-year sentence for raping a woman at knifepoint in 1985 in Jefferson County. Cohen was arrested after a DNA "hit" on the system in November 2000. He was convicted in September 2001 of rape, kidnapping, armed robbery and sexual abuse, and was sentenced to 20 years in prison.

Kentucky's DNA criminal registry contains about 3,200 profiles from convicted sexual offenders. Police have argued that it should be expanded to include all felons. By contrast, Virginia's database contains the DNA records of 165,000 felons, and that information has been used to help get convictions in 62 murder cases. "Kentucky's budget is tight, but is it so tight that we can't seize the opportunity to prevent our citizens from being murdered, and our women

from being raped?" Thompson commented. He said it would cost the state about \$3 million a year to take DNA samples of each new felon, as Virginia does.

"This has to be a priority of all our citizens. We must find the money," he said.

Some legislators argue that the added funds should come from the state police's existing \$133 million budget. But state police officials say the state should provide more money. At an interim Judiciary Committee meeting in September, Rep. Steven Riggs, D-Louisville, said state police spend money on other projects when they should invest in DNA technology. However, Colonel John Lile, deputy commissioner for government affairs, said it is up to the legislature to decide what it wants and then "it's going to have to pay for it."

One of the largest DNA cases in history came in February, when police used evidence from a flashlight to arrest Joseph Cave. The 31-year-old was charged with five counts of rape after he was linked to six sexual assaults and one attempted assault from June 1997 to October 1999.

Police said Cave would hold the flashlight in his mouth to distract victims during the attacks. His case is pending.

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From the National Institute of Justice

Software Tool Finds Patterns Hidden in Law Enforcement Databases

*Thomas J. Sexton, Director
National Law Enforcement and
Corrections Technology Center, Southeast*

Having taken its place in the information technology revolution, law enforcement is now turning its attention to technologies for sifting through their databases to extract useful information to guide decisions. The very nature of policing and the broad range of problems police are expected to handle make them the owners of large sets of data. But the facts themselves have very little meaning. For example, when the police respond to an armed robbery of a convenience store, the robbery can partially be described by the recorded information: when the robbery occurred, where it occurred, how it occurred, amount of money taken and a description of the offender. The data is silent as to why the offender chose that convenience store and cannot predict how likely the robber is to become a frequent offender or if he will graduate to a more violent offense. The numbers can describe only a part of what happened. However, these figures are important, for it is the raw material for information and its value is predicated on the ability to extract from it information that is comprehensible and actionable.

Traditionally, the primary method for extracting information from data has been to assume or hypothesize the existence of information, convert the hypothesis to a query using software written with structured query language (SQL), pose it to a database and interpret the returned result. This verification approach produces no new information in the retrieval process and will always return records to verify or negate the operator's initial assumption. Hence new tools are needed for extracting information from databases.

Data mining is the process of extracting valid, previously unknown, and ultimately comprehensible information from large databases and using it to make crucial operational decisions. Data mining is a discovery-driven approach and differs in its emphasis in that it is the software that discovers patterns and information hidden in the statistics without a previously formulated assumption or hypothesis by the operator.

The National Law Enforcement and Corrections Technology Center, Southeast Region, is developing data mining models for law enforcement application in its lab in Charleston, South Carolina and will soon demonstrate data mining software tools in a live law enforcement operational environment. The NLECTC-SE is a program of the National Institute of Justice, Office of Science and Technology. To learn more about the technology center system, visit the justice technology information web site at www.nlectc.org, or call the Southeast Center toll free 800-292-4385.

LEN Technology News

From the National Institute of Justice

Law Enforcement TECH Support

New Bulb Cast Ray of Hope for Safety; Strobe Helps Cops Find Emergencies

Chicago Tribune (08/10/01) P. L1; Vogt, Amanda

Response Technology has sold over 80,000 Emergency Beacon strobe lights to U.S. police departments in the last year. The lights are being sold or distributed to residents in Chicago suburbs to help emergency services find houses more quickly after distress calls are placed. Response Technology spokeswoman Leslie Sorkhe notes that the Emergency Beacon can also alert neighbors of trouble. Ray Rose, a police chief in Mundelein, Ill., notes that the community is being educated on how to use the Emergency Beacon correctly so that false alarms do not occur. (www.chicagotribune.com)

In Virginia, Courts Are Just Clicks Away

Virginian-Pilot (08/15/01) P. A1; Dolan, Matthew

The Virginia Supreme Court is experimenting with a Web site that allows the public to view information about current criminal and civil court cases in 49 jurisdictions. The site augments the Virginia Supreme Court and the Court of Appeals' ongoing service of posting opinions online. Some local courts in the state have begun testing e-filing systems to allow litigants to submit court documents from home. The move comes amid debate between those who see the Internet as a tool for making public records 100 percent accessible and those who think that posting certain information online will only invite cyberfraud and identity theft. As a compromise, the state Supreme Court has eliminated sensitive information from online postings such as dates of birth, address, and Social Security numbers, and has restricted remote access to e-filing information to those involved personally in the case, such as judges and lawyers. Wise County is one of Virginia's most progressive districts when it comes to utilizing the Internet in court proceedings, allowing users free access to live video feeds, as well as a \$39-per-month service that lets people view real-estate transfer histories, tax maps, building-permit images, etc. By the end of summer, state residents will also be able to find out if an attorney has been accredited by the Virginia state bar, and other relevant information about local lawyers. (www.pilotonline.com)

Inmates Hide Assortment of Metallic Items

Associated Press (08/08/01); Lau, Jodie

Inmates can easily hide metallic objects such as tweezers, lighters, safety pins, needles, and other items in orifices on their bodies, but the "Big BOSS" system, a chair that scans and detects metallic objects hidden on or in the body, has been improving security in Arizona jails, according to Arizona State Prison Complex Warden Jeffrey Hood. The chair, which costs \$6,500, scans an inmate's head, lower digestive tract, groin, rectum area, and feet, and sounds an alarm if any foreign objects are detected. In six weeks, 17 inmates were caught hiding items, says Hood. The only drawback is that the machine can not be used for extended periods of time without shutting it down and letting it cool off, says Hood. Physical contact is still required to find non-metallic foreign objects that inmates are hiding from officers. (www.ap.org)

Police Cars Going Hi-Tech

Edmonton Sun (08/17/01) P. DR18

The University of New Hampshire, along with the New Hampshire Department of Safety and the state police department, is creating the ultimate communicative cruiser, dubbed Project 54 after the TV show "Car 54, Where Are You?" The innovation will feature voice activation and integrated electronics that will enable officers to have an eyes-off, no-hands approach. The project has developed a working mockup of the new technology, currently being tested in a working cruiser, and soon six New Hampshire state police cars will be equipped with the advanced system. Collected information will be stored within the hard drive of the onboard computer, allowing for continual updates, and files can be downloaded wirelessly to roaming cruisers. Supervisors will be able to track cruisers at all times thanks to an onboard GPS system, while officers will have access to handheld devices that will keep them connected to their vehicles when they are not in the cruiser. Project officials have already received inquiries from California, Iowa, Kentucky, and Florida regarding the new system. (www.fyiedmonton.com/htdocs/edmsun.shtml)

Radar Device Peeks Through Walls

Design News (08/06/01) P. 14

Researchers at the Georgia Institute of Technology have applied for a patent on a radar device that can detect the presence of another person based on his or her respiration. The radar flashlight uses electromagnetic energy to see through brick, wood, plasterboard, glass, and concrete walls as many as eight inches thick, at distances of up to about 10 feet. Privacy advocates may oppose the use of such a device by law enforcement officials. (www.designnews.com)

New Technology Could Eliminate Need for Strip Searches

Associated Press (09/04/01)

The Rapiscan Secure 1000's ability to see items under clothing and in body cavities may eliminate the need for prison guards to perform strip searches. The device offers the advantage of letting guards search at a physical distance from the inmates and allowing for saving of data for use as evidence. Porter County, Ind., Jail Warden Joe Widup is concerned about the Rapiscan's high price of between \$100,000 and \$130,000, and thinks that a significant surge in smuggling cases would be necessary to warrant the cost of such an instrument. (www.ap.org)

Laptops Become Standard Equipment for Police

American City & County (08/01) Vol. 116, No. 12, P. 31

The Miami Police Department recently installed wireless networked laptops in an effort to allow officers to stay in the field for longer hours and forgo trips to the precinct. The department installed 725 laptops, supplied by Unisys of Blue Bell, Pa., that are integrated with the main dispatch, reporting, and information systems. The laptops, which feature a paperless incident report system, enable officers to access police files rather than call dispatch regarding suspects. The new laptops are expected to reduce the number of errors on reports, and will allow other officers to access the information because of the real-time application. (www.americancityandcounty.com)

Stepping Up Protection for Youths on the Internet

New York Times (08/21/01) P. B5; Gootman, Elissa

Public officials and law enforcement agencies are stepping up their efforts to prevent crimes aimed at youths on the Internet following a recent kidnapping, sexual, and physical abuse of a Massachusetts teenager by a Long Island couple she met in an online chat room. New York Electronics Crimes Task Force is one of the agencies working specifically on technology-related crimes, such as child pornography. The group, which is operated by the Secret Service, along with 45 law enforcement agencies, recently shifted its efforts to young people, lecturing about the dangers of cybercrime. In the meantime, Sen. Hillary Rodham Clinton (D-N.Y.) intends to request \$25 million in federal money for New York state task forces focused on stopping Internet crimes against children. (www.nytimes.com)

Exploring Technology to Protect Passengers With Fingerprint or Retina Scans

New York Times Online (09/19/01); Feder, Barnaby J.

As the government and airlines look for ways to thwart airplane hijackings, all eyes will likely be on biometrics systems, which are able to identify travelers by fingerprints, the patterns in retinas, and voice or other individual characteristics. Last week, stocks of a few publicly traded biometrics firms experienced a surge, as the rest of the stock market dropped significantly. Visionics, for instance, is being bombarded by customers seeking its Facelt technology, which profiles individuals based on 80 facial structures. Industry observers are waiting for airports to begin installing improved versions of other types of security products, such as closed circuit television systems and X-ray machines. Visionics, however, is the likely leader in new technologies, considering the system can easily be linked to a database of possible terrorists. (www.nytimes.com)

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